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LETTERS

glory and disaster

New York City

Dear Sirs: Ronald Sampson's article "The Vanity of Humanism" [*The Nation*, Dec. 29] contains some brilliant insights and observations, but in general does not do justice to Humanism and ends up in the philosophic impasse of Kantian theism. Although Mr. Sampson does not bother to define his God, like Kant he believes that the moral law demands the existence of a Supreme Being committed to the good and caring about the welfare and ethical concerns of mankind.

Thus the vanity of theism puffs up the importance of man in the universe as a whole and claims that human values are ultimate and controlling, as does every form of anthropomorphism. Both more intelligent and less guilty of "egocentric spiritual pride" (Sampson's phrase) is the Humanist position that the universe as such is neutral toward human values and the fate of mankind. Meanwhile, Humanists can be proud of the human race, its achievements and its potentialities without being uncritical or becoming vainglorious.

Corliss Lamont

Mr. Lamont is the author of The Philosophy of Humanism. *He taught philosophy at Columbia University for many years.*

New York City

Dear Sirs: God be praised! Twenty-four years ago in college, I began to read *The Nation*. It and a Communist professor helped to change me from a Protestant and a Republican into a Catholic and a Democrat. But I've always been appalled at how frequently the liberal intellectuals have denied any connection between theology and social ethics, and especially that *The Nation* seems to have been so beset by the error. At last, the defect begins to be corrected.

Ronald Sampson's article "The Vanity of Humanism" is so splendid and lucid that it could (if read widely enough) spark a whole new spirit in the 1970s. My only quibble is that Sampson may too much denigrate the idea of self-love. If love is the willing of good to the one loved, then a man ought to love himself. He ought also to love his neighbor as himself, no more, no less. That is, he should be equally intent on willing both his own and his neighbor's good. That demands a willingness to grasp a large context. . . .

For the intellectuals and liberals who suspect that Sampson may be onto something, but still gag at the idea of God or find Him rationally unknowable, I suggest a simple and honest agnostic's prayer: "God, if you do exist, make me aware of the fact and give me courage to accept the consequences."

Rev. James Fisher, C.S.P.
Associate Editor, The Catholic World.

Hamilton, Ohio

Dear Sirs: "Between Glory and Disaster" was both timely and stimulating, but it left at least this reader with mixed feelings.

With Scott Paradise's "The Vandal Ideology," I could not agree more: may he attract vast herds of followers! It seems improbable, however, that society will, in the foreseeable future, stop lavishing wealth, honors and power on those who make a quick buck by converting the landscape to rubbish. . . .

Barrows Dunham's hopes and aspirations ["Ethics and Social Struggle"] are so nearly those of every civilized

(Continued on page 84)

EDITORIALS

The Biafran Tragedy

One of the more ghastly wars of our time is over —we hope. At least the time is in sight when it will be over, although many more may die in Nigeria before the killing ends. Already the greater part of an entire generation of Ibo tribe children has been wiped out, or so handicapped that they can never grow into normal adults. The war has taken a toll of perhaps 2 million lives, for which all the participants, and many of those who watched from afar, bear some measure of guilt.

Neither historically nor in terms of current policy can Americans feel superior to the belligerents in the Nigerian civil war. Our gratuitous interference in the Vietnamese civil war is a lasting stain on our pretensions to moral superiority. A little more than a century ago we fought the bloodiest war in history, up to that time, over the issue of secession. The South may, with some reason, have felt itself economically insecure, but it had a much weaker case than Biafra. After the massacres of 1953 and 1966 it is hard to see how the Biafrans could have felt secure under Nigerian rule. For their part, some Nigerians felt that national unity (even though it existed in name only) was the crucial issue.

Each side in the Nigerian conflict naturally sought help from the outside. Nigeria got arms and economic aid from Britain, its former exploiter. The Soviet Union supplied important arms aid, including aircraft. The United States sided with the British but refrained from supplying arms of its own. There have been reports that the CIA gave some slight help to Biafra, presumably as a hedge in the event of a draw. France, Portugal and the Union of South Africa supported Biafra for various reasons, none admirable. The British had a special responsibility because of the way in which the illusion was created that Nigeria had risen to the status of a unified nation. This special responsibility, whatever its origins, still exists and might enable the British to exert some belated humanitarian influence on the Nigerians, but they would have to be tough, and they would need the help of Washington and Moscow.

The Organization of African Unity was cast in an unheroic role. It washed its hands of the bloodletting on the ground that it was an internal Nigerian affair. The UN, out of fear of a repetition of the Congo troubles, also stood aside. It could have tried harder to stop the flow of arms. In its anxiety to avoid "interference," it closed its eyes to the external interference that was already going on.

Also to be put down as a failure were the attempts of a partially aroused world opinion to stop the slaughter or, for that matter, even to stop the sale of arms to the belligerents. No doubt this inability was to some extent caused by the fact that the thirty months of the Biafran-Nigerian War coincided with

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the worst of the bloodletting in Vietnam: the Asian conflict received far more attention in the world press, despite a skillful and well-organized campaign on behalf of the Biafran cause.

In the *New Statesman* of January 9, John Hatch comments on the present situation. Hatch, who knows Nigeria well, is truly nonpartisan, with friends on both sides. He sees the Biafran quest for security as one that must now be carried on within Nigeria. In some zones Biafrans seem to be well treated; to that extent the future does not look hopeless. Hatch spoke with Wole Soyinka, the world-famous dramatist recently released from prison and now teaching at Ibadan. Soyinka feels that out of the suffering and destruction visited on the Biafrans there may arise the discipline and social purpose historically absent from Nigerian life. Perhaps so, but this is one case in which the long view can afford little solace to the ruined and starving of the present. What might prevail and what, whether successful or not, would bring some measure of humanity into a situation replete with inhumanity is a determined international effort to alleviate the suffering of the remaining 4 million or 5 million Ibos and secure some measure of protection for their rights. It would be a partial recompense for the complicity of the world community in this appalling conflict.

Defamation by Wire Tap

The factual pattern of the wire-tap issue in the trial of a reputed Mafia chief and alleged confederates in New Jersey is not disputed. Defense counsel asked for inspection of the wire-tap material insofar as their clients were involved. Frederick B. Lacey, U.S. Attorney for New Jersey and Mafia-buster much in the news, sought the release of the entire transcript—1,200 pages of recorded Mafia conversations. Federal Judge Robert Shaw complied. He argues that there is no danger of prejudicing the case because he has ordered the jury sequestered.

Even assuming that the jury will have no access, direct or indirect, to the wire-tap material, its publication is a most injudicious and injurious act. The eavesdropping, which took place between 1961 and 1965, was totally illegal. The material is hearsay from start to finish and has no evidential standing in Judge Shaw's court or any other. Now it is plastered all over the pages of newspapers across the country. All kinds of names are cited by persons widely believed to be criminals, and in some cases convicted of crime. In a sense, Judge Shaw has been a party to the possible defamation of persons now or previously occupying high official positions. Furthermore, if the defendants at present before the bar are convicted, he has placed himself in a position where he may be reversed on appeal, on the ground of the release of this material, if no other.

William G. Hundley, who headed the organized

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crime section of the Department of Justice during the eavesdropping period and until 1966, says that he knew nothing of these taps. Referring to the FBI, he says, "They kept a lot of things to themselves." That J. Edgar Hoover has ruled an enclave within the Department of Justice for most of his long tenure is notorious. Attorneys General come and go, but Hoover is, if not eternal, the next thing to it. It is almost inconceivable that a federal judge would release to the press and the public a mass of unsworn, gossipy, inadmissible material, originally collected (illegally) by the FBI, unless he had the permission of Hoover and, very likely, also that of the incumbent Attorney General.

No one except Hoover and his assistants knows what tapped and bugged material, involving all sorts of individuals other than Mafia or other criminal types, is in the FBI files. On the basis of the precedent set by Judge Shaw, and an earlier release in another case, no one knows when he may find himself smeared, without any real recourse. The injured parties may protest their innocence, but guilt is much more newsworthy: who will believe them? If they go to law to clear themselves, whom will they sue? And if they find a defendant and win the case, when will the exculpation catch up with the slander?

Former Gov. Richard J. Hughes of New Jersey attacked the release of the transcripts before he left office. The allegations, he said, are "foreign to American fair play. . . . We must think most carefully about our personal liberties, and cherish them most dearly against the threat of innuendo, slander and character assassination. We must begin to think hard about what is happening to our American way of life and to our system of justice."

Which Side Is Russia On?

Exactly what does "peaceful coexistence" mean for the Soviet leadership? Some items:

¶By 1967, two years of rising losses of aircraft over North Vietnam led to general shortages of magnesium in the United States (large quantities were being diverted into replacement production). The Dow Chemical Company, still in the napalm business at that time, solved the problem. "We have purchased all the primary metal we could from the United States' stockpile," according to one Dow executive, "and we also purchased some from Western European sources. Then we went to the Russian source." The *Houston Post* (Feb. 11, 1967) added: "Dow officials would not come right out and say it, but it appears that Russia was the only source left for the firm to purchase the much-needed raw magnesium." It estimated the purchases by Dow at "more than $2.3 million." The total quantity was later put at 2,200 tons by *Chemical and Engineering News*. Magnesium, well known as a war metal, is used in incendiary and napalm bombs, flares, and heat-seeking missile decoy devices.

¶Theodore Sorensen, former adviser to President Kennedy and later a lawyer involved in negotiating trade agreements with Soviet officials, stated in a speech in September 1967: "The notion of what constitutes a 'strategic good' that should not be exchanged in trade varies widely between Moscow and Washington. It is interesting to note that they are, even now as the [Vietnamese] war escalates, selling to us items which we tell our allies are too strategic to be exported to the Soviets." A key example, Sorensen said, was titanium, "which we use, as the Soviets well know, almost exclusively for our outer space vehicles and for the supersonic aircraft we fly in Vietnam."

¶On June 26, 1969, the 11,000-ton Soviet freighter *Orsha* put in at Seattle, the first Soviet ship to call at a West Coast port since 1950. Its cargo was $5 million worth of titanium ore. The *Orsha* has since called again, and so have at least two other Soviet ships. Their main cargoes have been titanium and chrome. The latter is used in stainless steel and alloys, and for defense purposes is considered a "strategic" material. About 80 per cent of the chrome ore consumed in the United States is brought in from the Soviet Union.

For the United States, more than half of all raw materials classified as "strategic" (tin, nickel, bauxite, manganese, cobalt, chromium) now must be imported in large proportions of 75 to 80 per cent. In only twenty-three of ninety-seven critical raw materials is the United States considered self-sufficient (by the government's own *Mineral Yearbook* surveys). A guaranteed supply of such raw materials is essential not only to feed our corporate giants but also to keep in high gear the war machine that protects their interests throughout the world. Perhaps the Soviets should tell us whose interests they have in mind these days.

Move Abroad and Live

On January 4, John Van Der Sande of Arcadia, Calif., who had emigrated to the United States thirteen years ago, returned with his wife and two children, 9 and 7, to his native Netherlands. Van Der Sande, 46, a kidney machine patient, could not afford the high cost of artificial kidney treatment. He had run up $25,000 in medical bills since his kidneys stopped functioning and he began kidney machine treatments last March 15. He must be under constant medical care, which in layman's language means twenty-four hours a day. He said the sale of his $54,000 home and money from a fund set up by friends would pay the bills.

And why did John Van Der Sande return to his native Holland? Because, as the conservative Oregon *Journal*, of Portland, editorialized, "socialized medicine will pay the expenses." The *Journal* cites Van Der Sande's case in supporting the drive by the Kidney Association of Oregon for $150,000 to help keep alive victims of kidney failure.

In all of Oregon only two hospitals, both in Port-

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land, have equipment for blood dialysis. One is operated by the Veterans Administration, the other is privately owned. Veterans qualify for treatment at the VA hospital; other persons receive some tax-supported help through the state Department of Vocational Rehabilitation. A few people are in a position to pay part of the cost of their treatment but most are not so fortunate. They quickly eat up their savings and are doomed if their communities do not rally with financial outpourings.

Bleak as the above data appears, it becomes grisly in the light of "positive" accomplishments. Consider the situation in the state of Washington, where a large dialysis center, one of the pioneers in the field, is located in Seattle. Some persons had been aided through federal grants, but facilities are so limited that applicants for treatment must be selected by a committee. "If you are chosen, you live; if you are turned down in favor of someone else, you die," said a doctor who has studied the center and is abundant in his praise of its technology.

There is a myth that Americans have the best medical treatment in the world and are the healthiest of all peoples. Nourished by the publicists of private-enterprise medicine, the illusion persists, though within the last decade the United States fell from fourth to fifteenth place in infant mortality, one of many statistical examples that could be cited. But the evidence that commercial medicine has failed to meet the needs of the masses is beginning to be heard above the hosannas of the *status quo* entrepreneurs. The latest evidence—and noted by the media only because of its dramatic nature—is John Van Der Sande's return to Holland, where he can live, and in dignity, because "socialized medicine will pay the expenses."

How Odd!

There is something passing strange about the quiet, almost surreptitious, way in which the Civil Service Commission dropped the requirement for loyalty oaths. A great host of aroused patriots, twenty years ago, insisted that the Republic could be saved only by the imposition of oaths abjuring communism (and fascism) and disavowing any intention to overthrow the government. And right up to now, they have kept on insisting. Do the members of this suddenly silent majority (if it ever was a majority) want us to believe that it never was an issue of principle with them? Were they merely playing games? What has brought this strange silence, after such tumult?

There are several prevalent hypotheses, none very satisfactory:

(*1*) Loyalty oaths have taken a beating in the courts. But such setbacks have never stopped the radical Right or the apoplectic anti-Communists.

(*2*) With Richard Nixon in the White House, the believers in the efficacy of loyalty oaths may feel reassured to the extent that they no longer quake at the thought that someone who has not attested his political purity may get a job refilling the Coke machines of the U.S. Geological Survey.

(*3*) This particular fetish has become a crashing bore.

We would advance an additional theory. The real target of the "anti-Communists" never has been the Communists, but rather the liberals, particularly the liberal Democrats. The zealots struck at the latter through the former. Mrs. Attorney General Mitchell should not be regarded merely as a foolish woman who exhibited her folly on TV. Her identification of liberals with Communists, and her preference for Moscow-type Communists, was no accident.

With the tide of opinion moving toward the right, the oath has become irrelevant and useless. It was, after all, the joint possession of rightists and liberal Democrats, with only scattered opposition among the latter. A Democratic President, Harry Truman, signed the first loyalty order. With direct confrontation between the Right and all left-of-Center elements now the order of the day, why bother with such nonsense as test oaths?

If the loyalty oaths have been dropped permanently, it is a good thing. But let us not be complacent. If the going gets rough for the Right, the oath may return, perhaps in more virulent form. In California a bill has already been introduced to reestablish it. In the area of applications for admission to the bar, test cases are still pending. Liberty, we were taught long ago, must ever be won anew, and so it is with freedom from this particular political excrescence.

The Number One Method

Shirley A. Chisholm, U.S. Representative from the 12th Congressional District in Brooklyn, appeared last month before the Subcommittee on Health of the Senate Labor and Public Welfare Committee to advocate the legalization of abortion, or, as she prefers to term it, "pregnancy termination." Mrs. Chisholm is a crusader for the public welfare, but she tilts at no windmills, and her speech is further evidence that time has caught up with the laws that prohibit abortion except on very narrow medical grounds. In a period when population growth has become the most dangerous of world problems, it offends logic to insist that unwanted children be born. Furthermore, abortion laws are discriminatory in that the well-to-do encounter little difficulty in evading them, whereas the poor must either take desperate and dangerous measures to terminate pregnancies or accept children which they cannot afford and which doom them to remain in the ranks of the poor.

Since Representative Chisholm is a Negro, as are most of her constituents, she faces head-on the charge by some elements of the black militant movement that family planning and attempts to repeal laws that force women to have unwanted off-

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spring are an attempt to practice genocide on the black community. She points out that it is the poor who most often seek cut-rate abortions or who attempt to abort themselves, and she submits some of the resulting statistics. A recent study shows, for example, that of deaths related to maternity in New York City, abortion was the cause for 25 per cent of the white women, 59 per cent of the nonwhite women. Overall, 80 per cent of all maternal deaths in the country are the result of illegal abortions. If genocide is an issue in this matter, Mrs. Chisholm suggests the argument works in the opposite way.

But though poignantly conscious of what unwanted pregnancies mean in the ghetto, Mrs. Chisholm is not eager to make a race matter of her position. "I am asking," she says, "that all of those family-planning services available to the middle class, rich and white, be made available to the poor, black and brown. The primary one which is not available at present, under safe and sanitary conditions, is pregnancy control; and abortion is . . . the number one method of birth control."

AFTERMATH TO MURDER

Yablonski's Unfinished Business

RALPH NADER

Mr. Nader has made a national reputation as a champion of the public's interests. He is the author of Unsafe At Any Speed *(Grossman).*

Washington

The TV cameramen and reporters had just left the Pan American Room in the Mayflower Hotel that day late in May last year. Joseph A. Yablonski had just announced his candidacy for the presidency of the United Mine Workers. He sat down, a chain smoker without a cigarette, and sighed: "At last, I'm free."

"Jock" Yablonski came to reform the hard way—out of a corrupt and totalitarian union machine. He refused to hide the role he had played in that system during the past thirty years. "I participated in and tolerated the deteriorating performance of this [UMW] leadership—but with increasingly troubled conscience. I will no longer be beholden to the past," he told the press. He refused to hide this role because he had decided to shed it decisively.

The "black lung" wildcat strikes during the previous half year decided it for Yablonski, who a few years ago had helped pass a Pennsylvania compensation law for depleted miners with riddled lungs. He saw long-resigned miners suddenly in 1968-69 come to assert themselves, inspired by three campaigning physicians, I. E. Buff, Donald Rasmussen and Hawey Wells. [See "The Black Lung Rebellion: West Virginia Miracle," by Robert G. Sherrill, *The Nation,* April 28, 1969.] Miners walked out of the West Virginia coal pits and marched to the state capital, Charleston, booing their indifferent union as they passed its headquarters.

Other forces moved him. He felt the indignation of the young activists, including his daughter Charlotte, sweeping across Appalachia, and knew that their efforts were bound to fail in those coal-indentured colonies. Jock understood power as exercised by the coal barons in the politics and economics of that region and Washington. Above all, he knew of the vacuum created in Appalachia by the inept, myopic leadership of his union.

The United Mine Workers has been the most centralized, autocratic union in American history. Many years ago, union districts were stripped of their autonomy. Half-starved pensioners in bogus locals were herded, for a few dollars or a few promises, to the polls to vote illegally (by the UMW's own constitution) for the leadership. Union funds were spread around as booty to the grass-roots operatives of the Washington leadership. Further weakening the fiber of the rank and file, coal operators developed a highly efficient paid informer network to pick up any signs of worker discontent. Miners knew how easily the company could "reassign" an activist miner to the most dangerous part of the mine. They knew that their industry-indentured union leaders, far away in Washington offices, cared little about defending them in the mines or seeing that the pension fund treated them fairly when their broken bodies left the mine.

Yablonski became angry whenever he recounted how fear in the coal fields had reduced the once defiant, proud coal mine worker into a timid serf. He recalled that after the Farmington disaster in November 1968, the surviving miners stayed away from their own meetings out of fear of informers and company goons. The union was not sticking up for its men, and without the union they weren't men, he used to assert in his rasping voice. Further, he added, whenever potential leaders emerged from the ranks, the companies hired them away into mine management.

The election campaign—the first fully contested in the UMW since 1926—was at the outset a lonely one for Yablonski. Many sympathized, but few around the mines openly rallied to his cause. He drove on, inspiring his crowds with fighting campaign talk, facts and common sense. The crowds grew, but the union machine kept getting more

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funds to re-elect Boyle. Boyle's men poured the abuse on Yablonski and his supporters, vilifying them with placards, yellow sheets and mass-produced recordings. It took a court order to force the UMW's house organ, the *United Mine Workers Journal*, even to mention Yablonski's candidacy, while hundreds of pages of eulogy and pictures of the leadership poured off the presses. Somehow, the incumbent's campaign never ran short of money and a federal grand jury began looking into how the flow of funds was facilitated to all corners of the coal country.

Jock's supporters would urge him to go down to the mines and campaign. Sometimes he did; sometimes he didn't. They couldn't understand when he didn't. But he, not they, had knowledge of the undrawn map of where he could campaign. A challenger to the UMW was not free to campaign in many of the more violent coal mining areas of the United States.

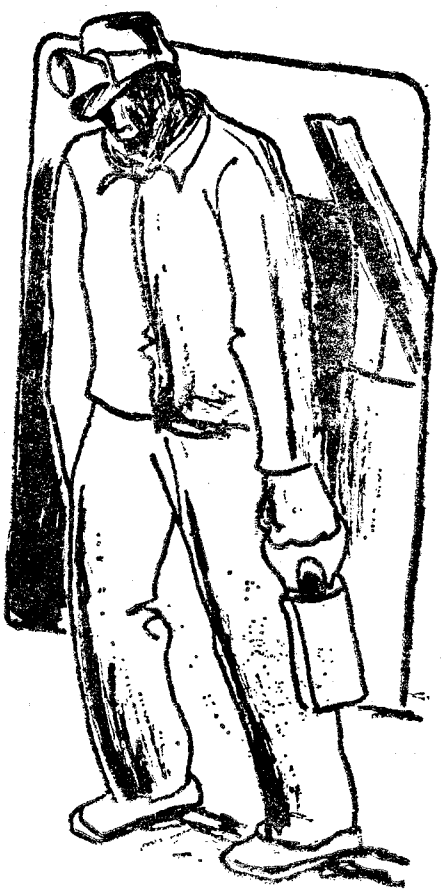
The heat of the campaign had its effect on the Congress, which last month passed a relatively strong coal mine safety and health bill, against the opposition of the coal-steel-oil companies which own the mines. The campaign compelled president Boyle to adopt safety, health and larger pensions as principal themes. For a short time, a heady feeling of triumph swept the Yablonski camp. But the massive funds of his opposition, the organized illegal voting, the persistence of the union machine's appeal to the xenophobia of many miners, and the most flagrant refusal by Secretary George Shultz's Labor Department to enforce the labor laws overwhelmed Yablonski's self-financed efforts.

After he "lost" the election on December 9, by a suspect UMW count of 2 to 1, Jock continued his court actions for enforcement of the labor laws against illegal votes, illegal voting procedures, misuse of union funds for re-electing the incumbents, and the acts of violence and intimidation toward campaign workers and himself. His dozens of detailed charges of legal violations fell on deaf ears at the Department of Labor. Secretary Shultz is less than dedicated in his enforcement of the laws that fall under his department.

The lawlessness of the UMW machine has persisted over the years because of parallel lawlessness in the law-enforcement agencies. An insurgent movement, consequently, was the only feasible way to restore the union to its men. In the Yablonski campaign could be seen the glimmer of a future of Appalachia with a revived, reform-minded United Mine Workers union. There is today no organization remotely capable of routing out the evils and cruelties of that area of rich land and poor people.

How tragic the history of the UMW has been—rising like a star earlier in the century and declining to the status of a clique, dividing the spoils of union dues among narrow, callous leadership and local retainers. A union that once recognized its real opponent—the coal corporations—and spurred the workers to greater militancy, has become in recent decades an almost Byzantine bureaucracy, coddling the coal companies, fraternizing with their executives, and pressing its rank and file into passive acceptance of imposed edicts and inhuman working environments.

In the midst of a booming coal economy and automation-reducing employment, even the workers' wage level—the pride of the UMW—was inadequate. Wages were the carrots in a poverty economy to induce the workers to endure the hazards of the most dangerous occupation in the country. Half the miners came down with black lung disease. One of every 300 miners dies each year; one of every thirty miners is severely injured each year. By 50 years of



age, the working miner looks to be 65, and acts as though he were 70. Yablonski put his view of what the UMW should be doing in his statement of candidacy:

> Every union should have a vision of the future. Our union must realize that its responsibilities include adequate payment for work done, adequate compensation for injuries, adequate corporate investment in healthful and safe working environments, and adequate retirement benefits. But the union's responsibility goes beyond this level of achievement. Unions represent men and women who are part of communities, are citizens of states and a nation. The public environment affects the well-being of miners and their families. What good is a union which

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reduces coal dust in the mines only to have the miners and their families breathe pollutants in the air, drink pollutants in the water and eat contaminated commodities? What good is a union that achieves an acceptable wage rate and then condones the reduction of that wage by frauds and abuses in the market place and waste or corruption of government?

Meanwhile, back in executive suites at Pittsburgh, Cleveland and New York, the coal-steel-oil corporation officers, who control the coal industry, sit aloof from the agony and tumult of the coal lands. It is not for them to become involved when the natives below become restless and fight one another. It is not for them to assume any responsibility for the tragedies bred by environments under their control. The legislators, agencies and law of Appalachia dance to the beat of the coal magnates. The educational system is a mirror image of the industry's power and manpower needs, from the elementary grades where school boys are prepared to look forward to mining coal, to the universities where the experts reside or are produced to defend and promote the coal industry's interests.

The state agencies exist to protect the industry from what little law there is and to fend off pressure for more law. The state tax system ministers to the preferred status of the industry's property holdings. The federal depletion allowance goes to the companies, not to the withered lungs and bodies of the miners. The company doctors call black lung "asthma," to protect their employers from any claims for compensation. The lawyers find there is no profit in suing coal companies on behalf of miners. The courts have always liked King Coal. And Appalachia's most talented students get out of that region for greener lands. The coal mines and slag heaps continue to poison the air, water and land. The land and the little worker houses continue to heave inward as giant coal cavities subside.

But the coal gets dug and it moves out in record volume from the giant jaws of the mines to the railroad cars and on to the markets. This scarred land that blots the American conscience and makes a nightmare of the American dream remains resigned from democracy, estranged from the law and expendable to Washington.

For a few brief months, Yablonski and his supporters sent pulses of hope through the coal country. These pulses were stilled by the crime that took his life and that of his wife and daughter on the eve of the New Year. The charges and pleas of Jock Yablonski can continue to be ignored by the Labor and Justice Departments of a supposedly "law and order" Administration only at the price of encouraging brutality and tyranny in the coal fields of Appalachia and the gray canyons of New York.

Beyond this, however, a distinguished citizen Board of Inquiry needs to be convened to inquire into why the Labor Department is in such flagrant nonenforcement of the labor laws and why the respective oversight committees of Congress seem so singularly uninterested in exercising their responsibilities. As Yablonski's attorney, Joseph Rauh, told Attorney General John Mitchell, "This criminal situation is too big for any individuals; only the government can do this job." □

PRESS MONOPOLY

MR. AGNEW'S OVERSIGHTS

STEPHEN R. BARNETT
Mr. Barnett is acting professor of law at the University of California.

Vice President Agnew is a welcome recruit to the undermanned ranks of press critics. For one thing, he brings to the task a much needed ability to command public attention. The late A. J. Liebling must have smiled as the Vice President, in his speech at Montgomery, Ala., made front-page news across the nation by challenging the news judgments, editorial policies and the alleged monopoly power of certain newspapers. Mr. Agnew also provoked revealing responses from his two specified targets, *The Washington Post* and *The New York Times*. It would be unfortunate if the dialogue ended there; the subject of newspaper performance and newspaper monopoly is too important to be returned to its dark closet, or to be subsumed in the related but different issues involving television. While Mr. Agnew and the Nixon Administration now appear content to drop the subject, some of the implications and ironies arising from the Vice President's remarks about newspapers should be brought to light.

Newspapers don't need government licenses; they do need all the public criticism they can get. Normally, they don't get much, largely because of their monopolistic position. Mr. Agnew was right on target when he said: "The American people should be made aware of the trend toward monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands." The Vice President went further and specified some of the results of the trend. Speaking of the prevalence of newspaper monopoly in American cities, he charged: "Lacking the vigor of competition, some of those [newspapers] that have survived have—let us face it—grown fat

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and irresponsible." The example he gave of a monopolized city was Washington, D.C., under the Washington Post Co., and the example he gave of a "fat and irresponsible" newspaper was *The New York Times*. The Vice President challenged the news judgment and editorial policy of the *Times* in several particulars, and he declared that press monopoly "is not a subject you have seen debated on the editorial pages of *The Washington Post* or *The New York Times*."

The subject should indeed be debated, and Mr. Agnew has performed a public service in doing so. One would have thought, however, that New York and Washington would be about the last places to start an examination of newspaper monopoly in this country. Both cities have three independently owned metropolitan dailies—a degree of newspaper competition enjoyed in only one other place, Boston. For a real example of "the growing monopolization of the voices of public opinion on which we all depend for our knowledge and for the basis of our views," Mr. Agnew should have focused on some of the roughly 1,600 cities that have a complete daily-newspaper monopoly. In a good many of them he would have found, as well, that the monopoly newspaper publisher also owns a local television or radio station, or both. Further, if Mr. Agnew finds the news coverage and editorial policies of *The Washington Post* or *The New York Times* "irresponsible," he ought to apply his journalistic standards to some of the monopoly papers that residents of these other cities must read every day. But these other papers, while offering better examples of monopoly and perhaps of irresponsibility as well, generally differ from the *Post* and the *Times* in being less critical of the Nixon Administration.

Certain cities particularly deserved Mr. Agnew's attention. These are the twenty-two—San Francisco, among them—where two publishers have elected to *create* a newspaper monopoly out of what would otherwise be competition. Such "joint-operating agreements" were held by the Supreme Court last March to be illegal under the antitrust laws. In a case arising from Tucson, Ariz., the Court said the two papers could legally share the same printing plant and other facilities, but could not fix prices, split profits, or otherwise eliminate the competition between them. In Mr. Agnew's terms, the Court held that the two publishers could not legally agree to insulate themselves from "the vigor of competition" so as to become "fat and irresponsible" monopolists.

It is strange that Mr. Agnew could make a speech about newspaper monopoly in November 1969 without mentioning this issue or the legislation it has produced. The so-called "newspaper preservation" bill, now being pushed through the Congress, would create an antitrust exemption to save the monopolies the Supreme Court has declared illegal. The publishers concerned, who are putting intense pressure behind the bill, include large chains such as Scripps-Howard, Newhouse, Hearst and Cox. They include other companies that own television and radio stations in the same cities where they are fighting to keep their newspaper monopolies.

The bill has been strongly opposed by the Justice Department. Testifying before the Congress, Richard W. McLaren, chief of the antitrust division, has pointed out that joint-operating publishers have no competitive incentive to improve their papers—i.e., they grow "fat and irresponsible." Mr. McLaren also noted that the bill would entrench the combined papers permanently in each city, making the entry of new papers all but impossible and solidifying the monopolistic condition that Vice President Agnew deplores.

The position of the Justice Department, however,

is no longer the position of the Administration. In late September Mr. McLaren was compelled to announce that President Nixon had disavowed the views of the Justice Department and sided instead with the Commerce Department. Yes, the Commerce Department. In an ingenious lobbying gambit, the joint-operating publishers and their lobbyists had activated the Commerce Department—which up to that time, naturally enough, had shown no interest in the legislation—and persuaded it to support the bill. President Nixon then obligingly repudiated Justice and agreed with Commerce. (Congressman Celler, before whose House Antitrust Subcommittee the Ad-

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ministration performed its contortion, commented: "In all my forty-seven years in Congress I have never heard anything like this.") The Presidential decision to support the bill was preceded by a private call upon Mr. Nixon by Richard Berlin, president of the Hearst Corporation. As in the Dr. Knowles affair, the President reversed himself and humiliated his responsible official to appease a powerful special interest.

One read much in the press about the Knowles affair. One read more recently—on the front page of *The New York Times*, for example—of a comparable Administration turnabout in favor of large banks which oppose a bill, previously supported and indeed drafted by the Administration, designed to curtail the use of foreign bank accounts to violate American laws. But one read very little in the press concerning the Administration's sellout on the newspaper bill.

Where was Mr. Agnew at the time? If the Vice President is truly concerned about newspaper monopoly, he might make his voice heard within his own Administration. There is still much he could do. The bill was favorably reported by the Senate Judiciary Committee in November (over the opposition of Senators Hart, Kennedy, Tydings and Burdick) and should reach the Senate floor early this year. In the House, the Antitrust subcommittee completed hearings in October, considered the bill in executive session December 15, and is also expected to take action early in the new session.

The cause of the current delay in the House Antitrust Subcommittee—unreported by the national press—is interesting. At the hearings on September 23, Chairman Celler stated that it would be "impossible for the subcommittee to legislate" unless it was provided with copies of the joint-operating agreements to be legalized by the bill and of financial statements for the newspapers involved. He said there should be no reluctance on the part of the publishers to let the subcommittee have these materials, since "we will handle them gently and there will be no public disclosure." (The promise of secrecy was protested by a reporter from, of all papers, *The Washington Post*.) On these terms, Morris Levin, the lobbyist representing most of the joint-operating publishers, said he would try to persuade his clients to make the agreements and financial statements available to the subcommittee.Almost four months later, the bill is still held up by the subcommittee because the publishers have been unwilling to supply the information. Some have declined to supply their joint-operating agreements, and *most* have declined to produce their financial statements. While seeking special legislation on the ground that their newspapers are in precarious financial condition and may otherwise "fail," and while assured that the information they supply will be kept from the public, the majority of the publishers have refused to produce evidence of the financial distress which they claim.

Chairman Celler and the subcommittee have so far persisted in their demand to see the documents before approving the bill. But the publishers are increasing the pressure, and the subcommittee may well succumb. If it does, it will be conceding that it cannot enforce, against the interests urging passage of the bill, its demand for information that it has deemed essential to the legislative process. The Administration, meanwhile, has given no indication that its espousal of the "Commerce Department position" has been affected by the way the newspaper monopolists have spurned the Congressional committee. But now that Vice President Agnew has addressed himself to newspaper monopoly, perhaps he will make his influence felt.

In charging newspapers with avoiding the subject of press monopoly, the Vice President was generally correct. The "newspaper preservation" controversy was described by Walter B. Kerr, writing in the *Saturday Review* last May, as "among the worst reported news stories of our time." The situation is a special disgrace in the twenty-two cities that stand to be directly affected by the bill. One would suppose that a city's daily newspapers are important local institutions, and that the issue, raised in Congress, of whether the two papers were to be joined or remain independent for the unlimited future was an issue with numerous newsworthy implications for local businessmen, politicians and the newspaper-reading public. But the papers in the twenty-two cities have acted as if their editors had never heard of a local angle. The Mayor of Tucson told the Senate subcommittee last spring, as reported by A. E. Rowse in *The Nation* of June 30, that the Tucson papers had run "not one word" about the bill or about his trip to Washington to testify against it. In San Francisco the papers have been more subtle. They have carried the wire dispatches from Washington reporting the progress of the bill, but customarily inserted not a word to indicate that the debate had anything to do with San Francisco. After being publicly challenged on the practice, they now usually insert a word.

In directing his attack at *The Washington Post* and *The New York Times*, Mr. Agnew thus ignored the worst offenders. But the *Post* and the *Times* are not exactly innocent bystanders when the subject of press monopoly is raised. The *Post* is vulnerable, despite the presence of two other daily newspapers in Washington, on the issue of having an excessive concentration of media control. In an editorial reply to the Vice President, it took the position that "the present arrangement, with a newspaper, a news magazine, a television station and an all-news radio station all under one corporate roof, produces better products all around than would otherwise be possible, given the economics of our business these days."

As the editorial itself added, "That's arguable, of

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course." It is especially arguable because each of the four properties is independently profitable. One wonders where such a justification for combining profitable media properties in the same hands would stop, or why the production of "better products" requires that the newspaper, the television station and the radio station all be in the same city. One also wonders about the claim by Mrs. Katharine Graham, president of the Washington Post Co., that "each branch is operated autonomously. They compete vigorously with one another. They disagree on many issues." It is questionable whether editorial self-abnegation by a benevolent monopolist can be counted on to produce the "widest possible dissemination of information from diverse and antagonistic sources" that the Supreme Court has recognized as "essential to the welfare of the public."

On the issue of *discussing* press monopoly, the *Post* stands on much firmer ground. It not only seems to have covered the "newspaper preservation" bill better than any other major paper but it is one of the handful of major dailies—*The Wall Street Journal* is another—to speak out against the measure. The editorial position of *The New York Times* is another story. It is one of the more interesting skeletons brought out of the closet by Mr. Agnew's speech.

Replying to the Vice President's charge that his paper had not discussed newspaper monopoly on its editorial page, Arthur Ochs Sulzberger, publisher of the *Times*, stated that "quite the opposite" was true. To prove it, he quoted from an editorial printed in the *Times* on March 13, 1969, three days after the Supreme Court held the joint-operating agreement illegal in the Tucson case. The editorial stated: "The constitutional guarantee of freedom of the press provides the press with no warrant for seeking exemption from the laws prohibiting monopoly." This, said Mr. Sulzberger, "is a sentiment that *The New York Times* has expressed repeatedly and still holds."

But the *Times* has strangely failed to express any sentiment about the "newspaper preservation" bill. The March editorial flaunted by Mr. Sulzberger was directed to the Supreme Court decision of three days before. The bill designed to overrule that decision was then just getting started in the Congress, and the editorial made no mention of it or of any other legislation. True, the cryptic statement about "seeking exemption from the laws prohibiting monopoly" might have been read by those in the know as indicating that the *Times* opposed the proposed legislation; but it scarcely could have been read that way by the public, which had no reason to be aware of any such legislation.

During the ten months since that editorial appeared, the "newspaper preservation" bill has made its way through Congress with the speed usually reserved for FBI appropriations. Sponsored by no fewer than thirty-four Senators and 100 Representatives, it has gone through complete hearings in both Houses and has been reported to the floor of the Senate. Also during this period, the Administration first strongly opposed the bill and then performed the about-face described above. Meanwhile, *The Washington Post*, *The Wall Street Journal*, and a few other major papers have editorialized against the bill, and many more have come out in its favor. Through all this, *The New York Times* has not taken a position for or against the bill; it has not said a word editorially about the subject. The *Times*'s silence has stimulated considerable interest among persons involved with the legislation. At the House hearings in September, for example, Chairman Celler asked whether the *Times* had taken a position on the bill. The lobbyist for the publishers, Mr. Levin, replied by mentioning the March 13 editorial and promising to supply a copy. He added, accurately, that the editorial did not address itself to the bill and was cryptic enough to support almost any interpretation.

A number of people find it mysterious that the *Times*, usually quick to condemn attempts by powerful industries to force special-interest legislation through the Congress, should watch in silence as newspaper publishers mount such a campaign and carry it nearly to completion. One explanation has been offered. It is that the owners of the *Times* in New York also own the *Times* in Chattanooga, Tenn., and would like to see the "newspaper preservation" bill enacted so that the Chattanooga paper could re-establish its joint-operating agreement with the other Chattanooga daily, which it abandoned several years ago.

Vice President Agnew touched a raw nerve when he accused the *Times* of not discussing newspaper monopoly on its editorial page. In the process he drew from Mr. Sulzberger the only expression of opinion on the subject of newspaper monopoly heard from the paper since the "newspaper preservation" campaign began in the Congress. If the Vice President can do that for the *Times*, perhaps he can perform a similar service for the Administration. The Administration and the *Times* may disagree on many things, including Mr. Agnew himself, but they have both been notable in recent months for their acquiescence in federal legislation sanctioning newspaper monopoly. It would be a good thing for the public if they both harkened to the Vice President's voice. □

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THE REFUGEES OF LAOS

DAVID KALES
Mr. Kales is a reporter for the Hearst newspapers. He is at present stationed in Hong Kong.

Vientiane, Laos

Although the United States is trying to keep a low silhouette in Laos, its involvement there can be measured in part by the rising flood of refugees—now up to 600,000 and many of them victims of U.S. bombing. Much of the bombing is aimed at the Ho Chi Minh Trail, North Vietnam's vital supply route through Laos to South Vietnam, but it is also directed against the Pathet Lao (Laotian Communists) who, with the aid of more than 50,000 North Vietnamese troops, threaten the neutral government of Souvanna Phouma.

Reluctant to commit its own troops in Laos, the United States relies on a massive tactical air offensive to assist the notoriously inept government forces who oppose a growing Communist strength on the ground. But bombing is only approximately accurate, and in this war, as in Vietnam, the enemy is frequently indistinguishable from the population at large. Many Laotian villages are either Communist infiltrated or Communist strongholds, and are thus designated military targets. Bombing raids, therefore, strike noncombatants as well as the enemy.

Not all of Laos's 600,000 refugees—more than 20 per cent of the total population—have been made homeless by the bombing. The war is going into its seventh year, and in this time many people have been driven from their land by the shelling and ground actions that rage through the villages. But the bombing accounts for a large and growing number of these refugees. Refugees now pouring into government centers tell a uniform story: a life at least tolerable under the Pathet Lao was made intolerable by American bombing.

In 1964 the Pathet Lao began to push into neutral government territory. To consolidate their control, the Communists threw out the old leaders and brought in their own personnel—teachers, policemen, militia, teams of agricultural experts, as well as administrators. Wherever they took over, the Communists leveled society—but in a Spartan manner. Conspicuous consumption was discouraged. Weddings, funerals, traditional celebrations—any splurges that pointed to a person's higher social status—were curtailed. Middle-class merchants were forced to become laborers or farmers. Livestock, farm tools, fertilizers were pooled under the public domain. The rich farmers were deprived of a large part of their profits; poor farmers were given a better break.

The Pathet Lao also leveled the educational system, scrapping curricula based on the old colonial system. Out went courses in French language, history and geography, which in the past had served to train a governing elite. In came courses in Lao language and practical farming, which served the common man. Advancement in school, formerly accomplished through bribery and social position, was now dictated by merit.

At the same time, the Pathet Lao pressed hard on the people. They levied heavy taxes on rice; the more rice farmers grew, the more the Communists took. They also drafted people into work gangs. Young men were conscripted to build roads and dig trenches, as well as to carry rice and weapons for the Pathet Lao army. Families deprived of their sons for long periods found it even more difficult to produce enough food to eat.

Then in 1966 the war in Laos intensified; in 1968, it escalated again and conditions went from difficult to terrible. Refugees recount how their villages were bombed, forcing them to abandon their homes and live in caves. One refugee remembers being particularly terrified by high-level planes: "They could not see we were ordinary farmers, not soldiers, in the field." By 1969 the bombers were overhead twenty-four hours a day. Recalls another refugee: "We couldn't even work our rice fields. The planes were coming over so much that we had to remain in the trenches."

In the past year alone 150,000 people have abandoned their homes—a 33 per cent increase in the refugee total that correlates exactly to the intensified bombing. U.S. officials here admit privately that the bombing creates refugees, but American military thinking dominates U.S. policy in Laos. The job is to bomb Communist positions so hard that the enemy will be driven out and the government can move in to control the territory. Refugees are an unfortunate side effect of this strategy, American civilian officials say defensively.

However, a nagging suspicion persists that the effects of bombing are not entirely unintended but derive in part from conscious policy. U.S. officials here appear to operate on a desperate assumption: that the only way to secure the people permanently from the Communists—and deprive the enemy of its manpower—is to remove them physically from Communist territory. From this point of view, the bombing is a broom, sweeping the refugees into the government safe towns.

But any political advantage gained from bombing is dubious. First, the bombing itself is a boon to Communist propaganda, enabling the Pathet Lao to point out how American power victimizes innocent people. The message is sinking in: many refugees now say they hate Americans. Further, a significant portion of the population—the youth—is sticking with the

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Communists. Most of the refugees are either the very old or the very young.

Then too, the government's control over many refugees may be only temporary. The worship of "phi"—animistic spirits—is a national religion that exerts a tremendous influence over Laotians. It holds that when a man leaves his native village, the ancestral spirits are powerless to protect him. It may be only a matter of time before this belief draws many refugees back to their bombed-out villages, many of which lie in Communist-held territory.

Faced with the refugee problem, in great part its own making, the United States has set about to treat the symptoms more than the cause. Since 1963 it has spent nearly $3 million to feed and resettle refugees. This year alone the cost could reach $10 million. The largest part of the program is food distribution. More than 7,000 tons of rice are handed out each month, much of it dropped from the air in what is considered history's greatest rice drop. Flying over rugged mountains at altitudes as low as 500 feet and risking Communist fire, civilian planes drop 500-pound sacks to isolated refugees below.

The United States also operates a continual air lift to relocate the population. From short dirt airstrips leveled on sides of mountains, planes carry thousands of refugees daily out of war zones to government-controlled cities such as Paxse, Sayaboury and Vientiane.

Arriving in such places, the refugees are driven to camps that resemble the shantytowns of the Great Depression. There, a few women cook rice provided by AID. Children play tag or rummage for odd bits of sticks and stones on the ground. Most of the people either sit dozing, waiting listlessly—sometimes for months, sometimes for years—for jobs and new homes. □

WAR CRIMES

THE CIRCLE OF RESPONSIBILITY

RICHARD A. FALK

Mr. Falk, a member of the political science faculty at Princeton University, is spending the current academic year at the Center for Advanced Study in the Behavioral Sciences at Stanford University. He is the author of Legal Order in a Violent World *(Princeton University Press).*

> If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us.
>
> —*Mr. Justice Robert Jackson, Chief Prosecutor for the United States at the Nuremberg Tribunals*

The dramatic disclosure of the Song My massacre has aroused public concern over the commission of war crimes in Vietnam by American military personnel. Such a concern, while certainly appropriate, is insufficient if limited to inquiry and prosecution of the individual servicemen who participated in the monstrous events that may have taken the lives of more than 500 civilians in the My Lai No. 4 hamlet of Song My village on March 16, 1968.

Song My stands out as a landmark atrocity in the history of warfare, and its occurrence is a moral challenge to the entire American society. This challenge was stated succinctly by Mrs. Anthony Meadlo, the mother of David Paul Meadlo, one of the killers at Song My: "I sent them a good boy, and they made him a murderer." (*The New York Times*, November 30, 1969.) Another characteristic statement about the general nature of the war was attributed to an army staff sergeant: "We are at war with the ten-year-old children. It may not be humanitarian, but that's what it's like." (*The New York Times*, December 1, 1969.) The massacre itself raises a serious basis for inquiry into the military and civilian command structure that was in charge of battlefield behavior at the time.

However, evidence now available suggests that the armed forces have tried throughout the Vietnamese War to suppress, rather than to investigate and punish, the commission of war crimes by American personnel. The evidence also suggests a failure to protest or prevent the manifest and systematic commission of war crimes by the armed forces of the Saigon regime.

Thus a proper inquiry must be conducted on a scope much broader than any single day of slaughter. The *official policies* developed for the pursuit of belligerent objectives in Vietnam appear to violate the same basic and minimum constraints on the conduct of war as were violated at Song My. The B-52 pattern raids against undefended villages and populated areas, "free bomb zones," forcible removal of civilian population, defoliation and crop destruction, and "search and destroy" missions have been sanctioned by the United States Government. Each of these tactical policies appears to violate international laws of war that are binding upon the United States by international treaties ratified by the government, with the advice and consent of the Senate. The overall American conduct of the war involves a refusal to differentiate between combatants and noncombatants and between military and nonmilitary targets. Detailed presentation of such acts of war in

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relation to the laws of war is contained in *In the Name of America*, published under the auspices of the Clergy and Laymen Concerned About Vietnam, in January 1968—several months before the Song My massacre took place. Ample evidence of war crimes has been presented to the public and to its leaders for some time, but it has not produced official reaction or rectifying action. A comparable description of the acts of war that were involved in the bombardment of North Vietnam by American planes and naval vessels between February 1965 and October 1968 may be found in *North Vietnam: A Documentary*, by John Gerassi.

The broad point is that the United States Government has officially endorsed a series of battlefield activities that appear to qualify as war crimes. It would, therefore, be misleading to isolate the awful happenings at Song My from the overall conduct of the war. Certainly, the perpetrators of the massacre are, if the allegations prove correct, guilty of war crimes, but any trial pretending to justice must consider the extent to which they were executing *superior orders* or were carrying out the general line of official policy that established a *moral climate*.

The U.S. prosecutor at Nuremberg, Robert Jackson, emphasized that war crimes are war crimes no matter what country commits them. The United States more than any other sovereign state took the lead in the movement to generalize the principles underlying the Nuremberg judgment. At its initiative, the General Assembly of the United Nations in 1945 unanimously affirmed "the principles of international law recognized by the Charter of the Nuremberg Tribunal" in Resolution 95(I). This resolution was an official action of governments. At the direction of the UN membership, the International Law Commission, a body of international law experts from all the principal legal systems in the world, formulated the Principles of Nuremberg in 1950. These seven Principles of International Law are printed in full in the adjoining box, to indicate the basic standards of international responsibility governing the commission of war crimes.

Neither the Nuremberg judgment nor the Nuremberg principles fixes definite boundaries on personal responsibility. These will have to be drawn as the circumstances of alleged violations of international law are tested by competent domestic and international tribunals. However, Principle IV makes it clear that *superior orders* are no defense in a prosecution for war crimes, provided the individual accused of criminal behavior had a moral choice available to him.

The United States Supreme Court upheld in *The Matter of Yamashita* 327 U.S. 1 (1945) a sentence of death pronounced on General Yamashita for acts committed by troops under his command in World War II. The determination of responsibility rested upon the obligation of General Yamashita to main-

Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal

As formulated by the International Law Commission, June-July, 1950.

Principle I

Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

Principle II

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible for him.

Principle V

Any person charged with a crime under international law has the right to a fair trial on the facts and law.

Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

a. Crimes against peace:
(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

b. War crimes:
Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

c. Crimes against humanity:
Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connexion with any crime against peace or any war crime.

Principle VII

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

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tain discipline among troops under his command, which discipline included enforcement of the prohibition against the commission of war crimes. Thus General Yamashita was convicted, even though he had no specific knowledge of the alleged war crimes. Commentators have criticized the conviction of General Yamashita because it was difficult to maintain discipline under the conditions of defeat that prevailed when these war crimes were committed in the Philippines, but the imposition of responsibility in this case sets a precedent for holding principal military and political officials responsible for acts committed under their command, especially when no diligent effort was made to inquire into and punish crimes or prevent their repetition. *The Matter of Yamashita* has vivid relevance to the failure of the U.S. military command to enforce observance of the minimum rules of international law among troops serving under their command in Vietnam. The following sentences from the majority opinion of Chief Justice Stone in *The Matter of Yamashita* has a particular bearing:

> It is evident that the conduct of military operations by troops whose excesses are unrestrained by the orders or efforts of their commands would almost certainly result in violations which it is the purpose of the law of war to prevent. Its purpose to protect civilian populations and prisoners of war from brutality would largely be defeated if the commands of an invading army could with impunity neglect to take responsible measures for their protection. Hence the law of war presupposes that its violation is to be avoided through the control of the operation of war by commanders who are to some extent responsible for their subordinates. [327 U.S. 1, 15]

In fact, the effectiveness of the law of war depends, above all else, on holding those in command and in policy-making positions responsible for rank-and-file behavior on the field of battle. The reports of neuropsychiatrists, trained in combat therapy, have suggested that unrestrained troop behavior is almost always tacitly authorized by commanding officers—at least to the extent of conveying the impression that outrageous acts will not be punished. It would thus be a deception to punish the trigger men at Song My without also looking higher on the chain of command for the real source of responsibility.

The Field Manual of the Department of the Army, FM 27-10, adequately develops the principles of responsibility governing members of the armed forces. It makes clear that the "law of war is binding not only upon States as such but also upon individuals and, in particular, the members of their armed forces." The entire manual is based upon the acceptance by the United States of the obligation to conduct warfare in accordance with the international law of war. The substantive content of international law is contained in a series of international treaties that have been ratified by the United States, including principally the five Hague Conventions of 1907 and the four Geneva Conventions of 1949.

These international treaties are part of "the supreme law of the land" by virtue of Article VI of the U.S. Constitution. Customary rules of international law governing warfare are also applicable to the obligations of American citizens.

It has sometimes been maintained that the laws of war do not apply to a civil war, which is a war within a state, and some observers have argued that the war in Vietnam represents a civil war between factions contending for political control of South Vietnam. That view may accurately portray the principal basis of conflict (though the official American contention, repeated by President Nixon on November 3, is that South Vietnam, a sovereign state, has been attacked by an aggressor state, North Vietnam), but surely the extension of the combat theatre to include North Vietnam, Laos, Thailand, Cambodia and Okinawa removes any doubt about the international character of the war from a military and legal point of view. But even if one assumes that the war should be treated as a civil war, the laws of war are applicable to an extent great enough to cover the events at Song My and the commission of many other alleged war crimes in Vietnam. The Field Manual incorporates Article 3 of the Geneva Conventions of 1949, which establishes a minimum set of obligations for civil war situations:

> In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:
>
> (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.
>
> To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
>
> (*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
>
> (*b*) taking of hostages;
>
> (*c*) outrages upon personal dignity, in particular, humiliating and degrading treatment;
>
> (*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
>
> (2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.
>
> The Parties to the conflict should further endeavor to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

I have already suggested that there is evidence that many official battlefield policies relied upon by the United States in Vietnam amount to war crimes. These official policies should be investigated in light

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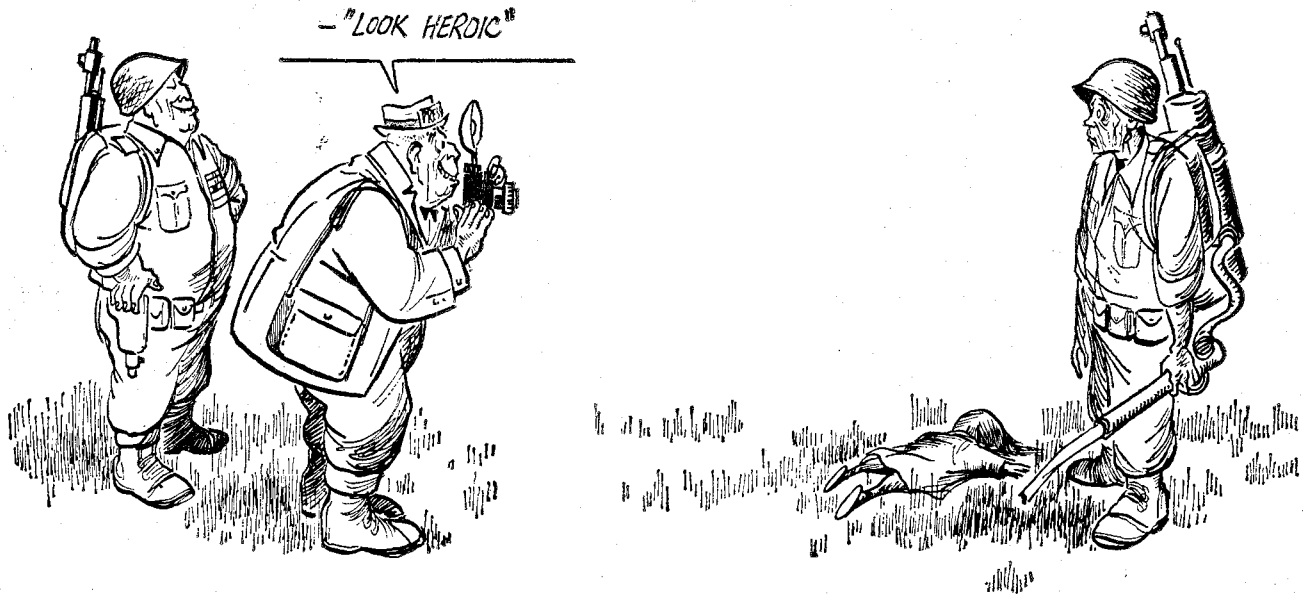

Vadillo, Siempre (Mexico)

of the legal obligations of the United States. If found to be "illegal," such policies should be discontinued forthwith and those responsible for the policy and its execution should be prosecuted as war criminals by appropriate tribunals. These remarks definitely apply to the following war policies, and very likely to others: (*1*) the Phoenix Program; (*2*) aerial and naval bombardment of undefended villages; (*3*) destruction of crops and forests; (*4*) "search-and-destroy" missions; (*5*) "harassment and interdiction" fire; (*6*) forcible removal of civilian population; (*7*) reliance on a variety of weapons prohibited by treaty.

In addition, all allegations of particular war atrocities should be investigated and reported upon by impartial and responsible agencies of inquiry. These acts—committed in defiance of declared official policy—should be punished. Responsibility should be imposed upon those who inflicted the harm, upon those who gave direct orders, and upon those whose powers of command included insistence upon overall battlefield discipline and the prompt detection and punishment of war crimes committed within the scope of their authority.

Political leaders who authorized illegal battlefield practices and policies, or who had knowledge of these practices and policies and failed to act are similarly responsible for the commission of war crimes. The following paragraph from the majority judgment of the Tokyo War Crimes Tribunal is relevant:

> A member of a Cabinet which collectively, as one of the principal organs of the Government, is responsible for the care of prisoners is not absolved from responsibility if, having knowledge of the commission of the crimes in the sense already discussed, and omitting or failing to secure the taking of measures to prevent the commission of such crimes in the future, he elects to continue as a member of the Cabinet. This is the position even though the Department of which he has the charge is not directly concerned with the care of prisoners. A Cabinet member may resign. If he has knowledge of ill-treatment of prisoners, is powerless to prevent future ill-treatment, but elects to remain in the Cabinet thereby continuing to participate in its collective responsibility for protection of prisoners he willingly assumes responsibility for any ill-treatment in the future.
>
> Army or Navy commanders can, by order, secure proper treatment and prevent ill-treatment of prisoners. So can Ministers of War and of the Navy. If crimes are committed against prisoners under their control, of the likely occurrence of which they had, or should have had knowledge in advance, they are responsible for those crimes. If, for example, it be shown that within the units under his command conventional war crimes have been committed of which he knew or should have known, a commander who takes no adequate steps to prevent the occurrence of such crimes in the future will be responsible for such future crimes.

The United States Government was directly associated with the development of a broad conception of criminal responsibility for the leadership of a state during war. A leader must take affirmative acts to prevent war crimes or dissociate himself from the government. If he fails to do one or the other, then by the very act of remaining in a government of a state guilty of war crimes, he becomes a war criminal.

Finally, as both the Nuremberg and the Tokyo judgments emphasize, a government official is a war criminal if he has participated in the initiation or execution of an illegal war of aggression. There are considerable grounds for regarding the United States involvement in the Vietnamese War—wholly apart from the *conduct* of the war—as involving violations of the UN Charter and other treaty obligations of the United States. (See analysis of the legality of U.S. participation in *Vietnam and International Law,* sponsored by the Lawyers Committee on American Policy Towards Vietnam; see also R. A. Falk, editor, *The Vietnam War and International Law,* Vols. 1 and 2.) If U.S. participation in the war is found illegal, then the policy makers responsible for the war

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during its various stages would be subject to prosecution as alleged war criminals.

The idea of prosecuting war criminals involves using international law as a *sword* against violators in the military and civilian hierarchy of government. But the Nuremberg principles imply a broader human responsibility to oppose *an illegal war* and *illegal methods of warfare*. There is nothing to suggest that the ordinary citizen, whether within or outside the armed forces, is potentially guilty of a war crime merely as a consequence of such a status. But there are grounds to maintain that anyone who believes or has reason to believe that a war is being waged in violation of minimal canons of law and morality has an obligation of conscience to resist participation in and support of that war effort by every means at his disposal. In that respect, the Nuremberg principles provide guidelines for citizens' conscience and a *shield* that can be used in the domestic legal system to interpose obligations under international law between the government and members of the society. Such a doctrine of interposition has been asserted in a large number of selective service cases by individuals refusing to enter the armed forces. It has already enjoyed a limited success in the case of *U.S.* v. *Sisson*, the appeal from which decision is now before the U.S. Supreme Court.

The issue of personal conscience is raised for everyone in the United States. It is raised more directly for anyone called upon to serve in the armed forces. It is raised in a special way for parents of minor children who are conscripted into the armed forces. It is raised for all taxpayers who support the cost of the war. A major legal test of the responsiveness of our judicial system to the obligations of the country to respect international law is being mounted in a taxpayers' suit that has been organized by Pierre Noyes, a professor of physics at Stanford University. In this class action the effort is to induce the court to pronounce upon whether it is permissible to use tax revenues to pay for a war that violates the U.S. Constitution and duly ratified international treaties. The issue of responsibility is raised for all citizens who in various ways endorse the war policies of the government. The circle of responsibility is drawn around all who have or should have knowledge of the illegal and immoral character of the war. The Song My massacre puts every American on notice as to the character of the war. The imperatives of personal responsibility call upon each of us to search for effective means to bring the war to an immediate end.

And the circle of responsibility does not end at the border. Foreign governments and their populations are pledged by the Charter of the United Nations to oppose aggression and to take steps to punish war crimes. The cause of peace is indivisible, and all those governments and people concerned with Charter obligations have a legal and moral duty to oppose the American involvement in Vietnam and to support the effort to identify, prohibit and punish war crimes. The conscience of the entire world community is implicated by *inaction*, as well as by more explicit forms of support for U.S. policy.

Some may say that war crimes have been committed by both sides in Vietnam and that, therefore, if justice is to be even-handed, North Vietnam and the Provisional Revolutionary Government of South Vietnam should be called upon to prosecute their officials guilty of war crimes. Such a contention needs to be evaluated, however, in the overall context of the war, especially in relation to the identification of which side is the victim of aggression and which side is the aggressor. But whatever grounds there may be for attempting to strike a moral balance of this sort, the allegation that the other side is also guilty does not operate as a legal defense against a war crimes indictment. That question was clearly litigated and decided at Nuremberg.

Others have argued that there can be no war crimes in Vietnam because war has never been "declared" by the U.S. Government. The failure to declare war under these circumstances raises a substantial constitutional question, but it has no bearing upon the rights and duties of the United States under international law. A declaration of war is a matter of internal law, but the existence of combat circumstances is a condition of war that brings into play the full range of obligations under international law.

Rather than encouraging a sense of futility, the Song My disclosures give Americans a genuine focus for concern and action. It now becomes possible to understand the human content of counter-insurgency warfare as waged with modern weapons and doctrines. The events at Song My suggest the need for a broad inquiry into the relationship between the civilian and military leadership of the country and into the systematic battlefield practices of our forces in Vietnam. The occasion calls not for self-appraisal by generals and government officials but at a minimum a commission of citizens drawn from all walks of life and known for their sense of scruples. We need a Presidential commission that has access to all records and witnesses, and is empowered to make public a report and recommendations for action. We also need a series of legal tests in domestic courts, initiated on behalf of such injured groups as civilian survivors of war crimes, young Americans who are in jail or exile because they have contended all along that the American effort in Vietnam violates international law, and servicemen who refuse to obey orders to fight in Vietnam, who complain of the illegality of "superior orders," or who seek to speak out and demonstrate against continuation of the war.

On a world scale, it would seem desirable for the UN to mount an investigation of allegations of war crimes, especially in relation to Vietnam and Nigeria. It would also seem appropriate for the UN to organize a world conference to reconsider the

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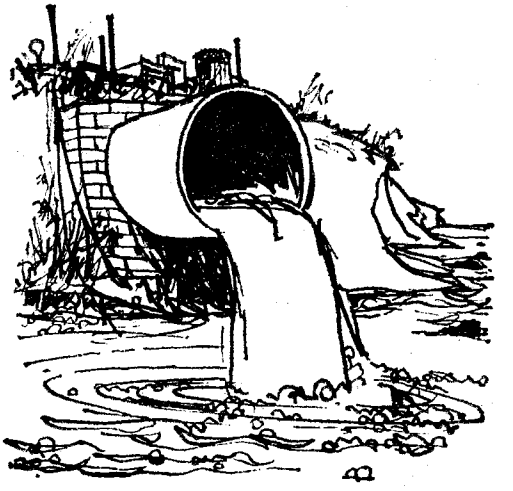
laws of wars as related to contemporary forms of warfare. The world peace conferences of 1899 and 1907 at The Hague might serve as precedents for such a conference call. Such an expression of world conscience is desperately needed at this time. We also need a new set of international treaties that will bind governments in their military conduct.

Given the perils and horrors of the contemporary world, it is time that individuals everywhere called their governments to account for indulging or ignoring the daily evidences of barbarism. We are destroying ourselves by destroying the environment that permits life to flourish, and we are destroying our polity by destroying the values of decency that might allow men eventually to live together in dignity. The obsolete pretensions of sovereign prerogative and military necessity had better be challenged soon if life on earth is to survive. □

POLITICS OF THE ENVIRONMENT

GENE MARINE

Mr. Marine, editor and journalist specializing in the West Coast scene, is the author of America the Raped *(Simon & Schuster).*



A graduate student in zoology, fifteen years my junior, looked at me across the long trestle table and grinned: "You know, if it weren't for the people from Berkeley and the people from Georgia, this could have been a pretty dull conference." He was exaggerating—he was from Georgia and I am from Berkeley—but he had something. There are conferences and conferences, and this one *was* different. Because he really meant *Berkeley*, in the stereotyped revolutionary sense, and he meant Georgia, maybe not back-country cracker Georgia but not by any means civil rights Georgia either.

The conference was the first of three organized by the Institute for the Study of Health and Society, itself a Georgia organization, based in Decatur. They call them Conferences for the Developing Professional, and run them with funds granted by the Department of Health, Education and Welfare. The idea is to come up with recommendations to help HEW meet the problems of the day.

Participants from around the country gathered at a pleasant and isolated "conference center" in the Virginia countryside to hear the speakers you'd expect at a meeting on "The Environment." There were a front man from the oil industry and an official of the Oil Workers Union, a couple of ecologists, Charles Wurster of the Environmental Defense Fund to talk about DDT, and Sen. Gaylord Nelson to give class. Eddie Albert, the actor, was an added starter (and to everyone's surprise, one of the most impressive speakers).

The participants were mostly between 25 and 35, some younger, and they were medical students, law students, architecture students, a few biologists and zoologists, some nurses, some mathematicians and at least one dentist. They came because a faculty member somewhere had taken an interest and urged his graduate students to apply—or because somebody stuck a notice up on a bulletin board and they casually responded. They came from small campuses and big ones, from internships in Pittsburgh and New Orleans and from the Sociology Department in Gainesville, Fla. They came with long hair and sloppy clothes, and with short hair and single-breasted three-piece suits and quiet neckties. They were people who would never have spoken a word to one another in a million academic years. Past 40 (though still, I hope, a developing professional), I was invited because I had written a popular book on ecology—"popular" as a description of style, not a report on sales—and as a relief, I suppose, from academic solemnity.

We started on a Thursday (the oil people, systems zoologist Kenneth Watt, and some arguments about procedure), and that night, in a session unscheduled by the organizers, we saw movies. Steve Levit, a fourth-year medical student (psychopharmacology) from San Francisco and an active member of the Medical Committee on Human Rights, showed his own film on last year's events at San Francisco State and a friend's film on what Berkeley calls the People's Park War. These films, distributed by the "underground" group called Newsreel, are unabashedly revolutionary and they triggered a discussion that lasted until three in the morning.

Some examples: A girl stood up in trembling embarrassment to say that she follows the greatest revolutionary of them all, Jesus Christ; a quiet 19-

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year-old from Eugene, Ore., asked Levit: "With 10,000 people a day dying of starvation around the world, what are your priorities?" That gives you an idea—but shout as we sometimes did, listen quietly as we sometimes did, drip sarcasm as we sometimes did, we spent those three hours talking about *the environment*: not only about DDT and dams and bay fills but about the whole thing, seen together.

And when we were through, we were together. Not in *agreement*, which might be an older liberal goal (one to be sought by someone my age) or that of a modern communications theorist but *together*. We could talk, argue, question as members of the same group, a *community* in a sense that, in talking with others my age, I can only call mystic, although I've seen it before among younger people and it seems quite natural. If there is a "generation gap" it is probably between those who recognize immediately what I mean and those who don't.

The conference itself, in fact, was far less important than its meaning. This sudden, spontaneous generation of a *community*, this metamorphosis of another intradisciplinary conference into a magical mystery tour of ideas and friendship, was itself the thing of importance—and it is, I believe, inseparable from the subject matter.

For want of a better word, I call the subject "ecology." Not strictly in its academic sense, although that is involved, but as a word including the development of an ecological conscience, an overriding concern with the environment, the conscious and constant awareness that we are, seriously, truly on the brink of extinction and that we are taking dozens of other species with us—that the overwhelming odds are that none of this generation of children will live out their natural lives. It includes an awareness, if you will, that we are genuinely confronted with a problem, or a set of problems, so ominous that *no* answer can be ruled out because it is politically unpalatable, or because it requires drastic measures, or because it's "impractical" in some vague liberal sense.

There was not, as I said, agreement among us. Many left feeling that the best avenue for their future action was through their Congressmen; others were convinced that it is a matter of revolution or death. But there was not one participant—or if there was, he or she was extremely quiet—who did not regard the problem as more important than the form of the solution.

The mildest people there made it clear that, *if* they became convinced that the more conventional solutions were ineffectual, they would readily pick up their guns and join the wildest in the hills. At the same time, the most revolutionary were ready to give at least some of their time to an initiative campaign or the circulation of petitions, if there was any chance at all that it might do some good.

My mind went back over the past year or so in my own San Francisco Bay Area. I remembered radical college students and distinguished, "respectable" professionals arrested together as they vigorously protested a Corps of Engineers project on Tamalpais Creek in Marin County, north of San Francisco. I recalled an amazing alliance of old and young, housewife and hippie and politician, leftist and rightist and middle of the roader, that fought the Leslie Salt Company and David Rockefeller consortium to a standstill, and, for the time being at least, kept further land fill out of San Francisco Bay. I thought how the affair of the People's Park, aside from its more dramatic aspects, brought out hundreds of citizens of every persuasion—or of none—to express in open meetings their recognition of, and concern about, the problems of their environment.

On the strength of one journalistic book, not particularly widely read, I find myself in demand as a speaker, as someone who can help in a small way to meet what has obviously become a desperate thirst for understanding, a concern so intense that it overrides the political, the economic, the generational. No left wing or right wing is involved, no young or old.

Even that most insensitive of politicians, the Governor of California, is maligned by liberals when they say that he has made no good appointments: his two principal environmentalists, Norman Livermore and William Penn Mott, have held to excellent positions in difficult circumstances. In preparation for the conference which triggered these thoughts, participants were mailed copies of a HEW document, an article from *Science*—and a piece from *Ramparts*.

Poverty and racism plague us all; Vietnam hangs over us all; militarization and an increasing trend toward totalitarianism frighten us all. More welfare or less? Withdraw or win? Revolution or reform? Legalize marijuana or institute compulsory haircuts? These things we fight about as factionalists. But we do *not*, when we are put together in groups, fight about ecology. The subject cuts across lines of age, political conviction, education. But except that Senator Nelson is moving somewhat in that direction (and California's Jess Unruh is beginning to make interesting noises), I have yet to encounter a politician who has awakened to the enormous potential of this subject.

Partly that is because too many of them—too many of us—think of the question as "conservation," or as "pollution," or simply as "the population problem." The former is still, to most politicians and political writers, a fuzzy, little-old-lady subject; pollution seems still a matter for the out-of-date world of "interest politics"; and we believe in the end of our species no more than we believe in our own individual deaths.

We talk about the extinction of the human race as though we wanted to be certain that, when the

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species is extinct, people will be able to read that we predicted it. (One in-and-out governmental speaker at the conference actually did say that unless we mend our ways, "we will become one of those extinct species that they put statues of in the Museum of Natural History.")

The first public figure with a national audience who seizes on the ecological conscience as his subject and refuses to let go, who insists on the demonstration that *all* our other problems are related to it, who refuses to avoid its implications (for he will have to attack some mighty profit makers, among other things), will find, to the astonishment of many, that there are millions waiting for him.

Berkeley has three "New Left" ecology groups—but the Bay Area "underground" press and radio, which provide more environmental news than marijuana information, can't keep up with the *San Francisco Chronicle*, and the *Chronicle* is only inches ahead of more sedate newspapers everywhere. C.B.S. may cheat on the answer to "Who Killed Lake Erie?" but they asked the question. Start a conversation about the environment anywhere you happen to be, with any kind of group—not just how awful the smog is, but something about, say, the concentration of DDT in animal food chains—and you will find yourself, almost independently of your skill, with a fascinated and personally concerned audience.

The people from Berkeley and the people from Georgia. Of course, and not by accident. For Berkeley is a place where we have learned seriously to examine ideas, far-out ideas included; and Athens is the home of the University of Georgia's Institute of Ecology, founded by Dr. Eugene Odum (the nation's leading ecologist) and easily the best such center in the nation. Ecology and the necessity for daring and innovative thinking go together.

And an ecological viewpoint does, in fact, suggest approaches—if not solutions—to the other problems of our time, where "standard" forms of political and social thinking have gone sterile. No lack of respect, no dismissal of his importance, no disregard of the political issues involved, was implied when a biologist at the conference suggested to an architect that James Rector, who died by a police shotgun in the People's Park War, can be regarded as having been "selected out" in a normal life process functioning under population growth pressures. Chance is one of the mechanisms that operate in selection, as any biologist knows; so while it is impossible to predict the specific death of James Rector, it isn't hard to predict that such deaths will occur more frequently, as our normal life processes respond to the intolerable environmental pressures we're creating.

I don't mean to suggest that Eugene McCarthy, let's say, should campaign on a platform requiring a graduate student's understanding of biology, but it wouldn't hurt if he had one himself. On my last night at that Virginia conference, I was up until 4 A.M. in an intense conversation with a professor of botany from Montana, a medical student from New Orleans and a sanitary engineer from Texas. We are all back at our homes now; we, and millions of others from San Francisco Bay to Storm King, from Isle Royale to the chapparal lands of the Rio Grande, are waiting for someone to notice that ecology is an issue that brings us all together. When we die, we all die. You'd be surprised how many of us know it. □

LETTERS *(Continued from page 66)*

man that one's profound sympathy makes criticism difficult. Yet, as he admits, his view of the world leaves little justification for optimism. Perhaps one can get some comfort from the fact that no description of the human condition—Marxist, capitalist, religious, mechanistic, psychoanalytic, or whatever—has yet been more than a very crude picture which leaves out of consideration many unexplored possibilities, and distorts many important facts. It may not be unreasonable to hope that modern man can invent a system of relationships more subtle and effective than the ones we inherited from the Stone Age.

Ronald Sampson's "The Vanity of Humanism" leaves me completely baffled. The only part of his attack on Humanism which I find at all convincing is the humanistic value system which he borrows from what he denounces. Assuming that he has succeeded in sawing off the limb on which he perches, and we reject values based on human needs and capacities, what reason is there for struggling against human instincts "because it is the will of God"? How does he know? . . . On the evidence which Sampson presents, God either has a repulsive fondness for human misery and confusion, or is utterly indifferent to them. . . . What evidence is there that He is more pleased by virtue than by vice? . . .

W. Palmer Taylor

New York City

Dear Sirs: That *The Nation* should print an obscurantist article such as "The Vanity of Humanism" is to me morally shocking. As a witty and agnostic friend of mine says, "If God does exist, I do not wish to associate with him." . . .

The voice out of the whirlwind in Job, demanding, "Where wert thou when I created Behemoth?" is the voice of unbridled power—no more worthy of respect because it is infinite than that human power which troubles Sampson—as it does me. And even were Sampson's plea for belief in God commendable—John Stuart Mill said long ago, "That which is desirable is not necessarily true."

It is man and, to a degree, perhaps, some of the higher animals, capable of love, who have created morality. . . . Love, in a universe of happenstance, of complexity beyond our ultimate unraveling, is the only hope for survival—and in these years, it would seem to be a slim one. Yet, in the midst of much superstition, one notes a turning to that one great good which living beings have created in much of the thinking and behavior of our unhappy young people. Let us trust love, not power; logic, not infantile dreams of submission to an all-wise father.

E. Louise Mally

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BOOKS & THE ARTS

'L'Imagination Prend le Pouvoir!'

THE ELUSIVE REVOLUTION: Anatomy of a Student Revolt. *By Raymond Aron. Translated by Gordon Clough. Praeger Publishers. 200 pp. $6.95.*

LESLIE DERFLER
Mr. Derfler teaches at Florida Atlantic University. He is the author of The Third French Republic: 1870-1940 *(Van Nostrand), and is at work on a biography of Alexandre Millerand.*

On one—and not terribly important—level of analysis, *The Elusive Revolution* can be considered as yet another encounter between Raymond Aron and the Paris leftist intellectuals. Aron has been opposing them in the major controversies fought out by intellectuals since the end of World War II. *The Opium of the Intellectuals* (1955) decried their pro-Communist, pro-Soviet predilections (Aron uses the terms interchangeably), and aroused a furor. After de Gaulle took power in 1958, Aron's *Algeria and the Republic* regretted the way in which the change in government was effected but gave its blessings to the new regime as the one which could solve the Algerian problem, and once more brought down on the head of its author the opprobrium of his leftist colleagues.

During May and June of 1968 he published several articles in *Le Figaro* condemning the strike of students and workers in May as "collective madness." The present volume is largely an elaboration of these articles, which are usefully appended to it. As he predicted, they have rearoused the animosity of an impassioned Left. But Aron remains confident; having felt vindicated by Khrushchev's 1956 speech exposing Stalinist tyranny, and by the outcome of the Algerian War, he is now convinced that subsequent events will justify his repudiation of "mindless revolutionaries who dream of establishing direct democracy in an industrial society."

This is Aron's theme, warmly and lucidly defended in what is probably his most eloquent book. He exposes "Byzantine intellectuals who express themselves in language incomprehensible to common mortals and who set themselves up as ringleaders of a revolution in the mid-twentieth century, as the interpreters of the people or the proletariat or even of the students themselves." He rejects "professors of constitutional law who violate legality and find pseudo-justifications for pseudo-revolutionary structures, for constitutions full of pseudo-innovations, and which could not possibly operate. In observing the rise of revolutionary movements (to the left of an increasingly pragmatic Communist Party) which use as their text the Little Red Book, he scorns "high-ranking intellectuals [who] threw up their hands in delight at a nursery-school reader."

"Once again," he asserts, "it falls to France, and particularly to the extraordinary intellectuals of Paris—those obscurantist 'in-group' writers, Jean-Luc Godard, linguists, and structuralists [masters of] verbal subtlety and the cult of violence—it falls to France to make the running and to act out as a kind of real life comedy the absurd world dreamt of by fashionable writers." The May revolution has found its Burke, only this Burke is a liberal. His is the outraged and exasperated cry of one who has long demanded reform of France's creaking social structures, and especially its system of higher education, reacting furiously to the widespread support for violence and insurrection, that is, to revolution.

Indeed, so humane is the writer and so trenchant are his analyses that the reader finds himself carried along by the argument and must make an effort to pause and consider alternatives. Leaving aside questions of revolutionary style, precisely what was there about this uprising that has prompted such a response? (Let us remember that Aron acquiesced to de Gaulle's seizure of power in the hope that it could be put to good use; in his suggesting that the end might here justify the means we may presume that Aron is on occasion willing to sacrifice legal niceties.)

It would appear that he is distressed at the inability to provide alternate structures on the part of those who made the revolution, and consequently at the irrationality of those who supported it. It is this irrationality displayed by those who should have known better that so shocked Aron, even as an earlier revolution and the support given to it by supposedly responsible men of thought shocked Tocqueville, however critical both men were of the existing regimes. "Parisian mobs," Aron writes, "deluded themselves into thinking they could rebuild society through riots in the nineteenth as well as in the twentieth centuries." He argues that the violence used "to shake the liberal order in the name of a libertarian ideal will militate in favor of left—or right—wing authoritarianism."

Aron's criticism of the May revolution is twofold: first, a violent and anarchistic insurrection in an industrialized society without clearly stated objectives (lacking almost by definition) is not to be taken seriously. Its authors are comedians, and the play can best be viewed as a psychodrama. Second, the only possible outcome will be a "strengthened right-wing regime or a popular-front type of government that would be dominated by the Communists in a manner reminiscent of that of the Prague coup of 1948."

The fact is that, comedy or not, the May insurrection came within a hair's breadth of overturning one of the most self-assured regimes in Europe. That a revolution could even occur in a developed industrialized society is in Aron's view related to the peculiar nature of French trade unions as contrasted with the conservative proclivities of unions in Britain, West Germany and the United States, where they act as social buffers. Most French workers are simply not dues-paying union members, and a large number of those who are, are linked to the Communist Party, which, though no longer revolutionary, cannot admit that it is not. Unlike students in other countries, French students can make contact with workers and so render French society more vulnerable. Thus the revolution in France is seen as exceptional.

What appears most relevant about revolution in industrialized societies, however, is not their improbability but their poor prospects. Alain Touraine, the Nanterre sociologist, in *Le Mouvement de Mai ou le Communisme Utopique*, pointed out that in modern industrial society specific targets at which popular discontent can be aimed are hard to come by. The enemy is no longer a person (the monarch) or a class (the bourgeoisie); it is the faceless system itself: depersonalized, bureaucratized, rationalized and alienating. Without specific targets to focus on, revolutionary energies are scattered and wasted.

This differs from Aron's conclusion that industrial societies are somehow immune from revolution. (Moreover, it is entirely conceivable that targets can be identified, and hence the deficiencies in the analysis of a Cohn-Bendit, who

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scorns the organizational arrangements which are alone capable of making identifications and providing direction.)

These observations in no way reflect on Aron's analyses of the rigidly hierarchical structures of French society. The civil service mentality of its officials and their lack of political sensitivity explain the rapid growth of the revolution in May from a handful of disgruntled students to millions of supporters and sympathizers. His analysis is especially striking when applied to higher education and to Gaullism, and constitutes some of the most valuable pages of the book.

It is not Aron's analytical abilities that invite inquiry; questions are raised when he moves into the less well-charted realms of the past and the future: that is, when he turns historian and prophet. One is entitled to censure revolutionaries and reject their recourse to illegality, but to do so on the ground that they advance no satisfactory alternatives is to display a narrow—or one-sided—understanding of what motivates them today and what, in the past had moved their predecessors to action.

I find myself in agreement with those who maintain that a revolution is usually not the work of a party committed to it. To see revolutionaries as being roused by a "notion of the social order which might be erected in the place of the one rejected" is to see them as making plans and conspiring to implement them. My reading of history has persuaded me that revolutionaries have been more concerned with removing what they regarded as existing evils than with providing viable alternatives; and that the support necessary to win revolutions has come from those whose general dissatisfaction with the established order was greater than their admiration for any revolutionary program designed to replace it, whether in France in 1789 or in Russia in February and October of 1917.

It is only after power has been won that programs are turned to by the victors; they try either to implement old formulas or seek new ones. And the use of old ones in no way proves that those who subscribed to them made the revolution. The conclusion, "*post hoc ergo propter hoc*" is not always appropriate. We are all entitled to our philosophy of history but to make one's interpretation of past revolutions a basis of condemnation for future ones is a dubious procedure.

Second, the insistence that a left-wing government including Communists would ultimately become Communist-controlled and dominated, that a Mendès-France—Waldeck-Rochet Ministry would have France follow the road taken by Czechoslovakia after its liberation, must remain a matter of speculation. The "Prague analogy" here may be of as little help as the "Munich analogy" in other contexts.

The entire movement of the French Communist Party for at least five years has been the effort to emerge from the political wilderness by winning an election. Accordingly it entered into alliances with other parties on the Left to support the Mitterand candidacy in 1965 and to participate with them in the legislative elections of 1967. It reached agreement with Socialists in a Declaration of Common Aims in February of 1968 and, above all, repudiated the revolutionaries in May of 1968. This rather consistent behavior reveals the extent to which the party is determined to win power legally.

To be sure, all the guarantees offered by the CPF to respect the plurality of parties, and all the promises made by its chiefs to behave like good democrats do not prove a thing. But neither does the Prague analogy. Maurice Duverger, the political scientist and *Le Monde* editorialist, has rejected the Prague coup as a model for French events. The role of the Red Army in 1948, the position of Czechoslovakia within the Soviet sphere of influence, memories of the West's betrayal a decade earlier, and popular support for the Communists—whose vote was then nearly twice that currently received by their French counterparts—made the situation entirely different.

Duverger went on to predict that, once part of a coalition cabinet, it would be very unlikely that the CPF would try to seize full power because the act would mobilize at least three-quarters of the country against the party. And in any case, why rely on Prague when the analogy with Italian Communists in coalition governments after World War II is even more appropriate? Now none of this makes Duverger a better prophet than Aron, but the dissimilarities between the French and Czechoslovak situations, and the availability of the example of post-war participation by Western European Communist parties, renders Aron's prediction less than certain.

These considerations, however, do not really lessen the importance of Aron's book. For he reflects the very legitimate fears of those, in and out of France, who, if sympathetic to the need for change and to the students who try to bring it about, worry that in the process existing liberties may be destroyed. One can question the verdict of this angry yet appropriate book, but one can only wish that others who share that verdict had arrived there by applying the same intelligence, reason and concern. □

Our Most Silent Minority

CUSTER DIED FOR YOUR SINS: An Indian Manifesto. *By Vine Deloria, Jr. The Macmillan Co. 279 pp. $5.95.*

OUR BROTHER'S KEEPER: The Indian in White America. *Edited by Edgar S. Cahn. World Publishing. 193 pp. $5.95. Paper $2.95.*

PETER NABOKOV

Mr. Nabokov is the author of Two Leggings: The Making of a Crow Warrior *(Crowell) and* Tijerina and the Courthouse Raid *(University of New Mexico Press). He has lived and worked on three American Indian reservations: Sioux, Crow and Navajo, and is presently a research associate of the Museum of the American Indian.*

Some of the reasons for *Custer Died for Your Sins* finding a publisher and an audience today are surely detested by its author, an articulate young Standing Rock Sioux Indian. Depending on the momentary passion of the dominant culture, the Indian has been alternately the "Emerging American" or the "Forgotten American." The white world which continues to plunder the Native American's land and destroy his lifeways occasionally whips itself for doing so, or at least pauses to watch. This is one of those intervals of remorseful attention; American Indians are "in."

From his legal research and personal experience knocking about as a sought after, promising young Indian leader (for a period he was executive director of the National Congress of American Indians), Deloria relates the sordid story of the United States versus the Native Nations, a dismal tale of greed and double-cross and blackmail. In the diplomatic arena treaties have been dismissed as so much waste paper when there was no other way to circumvent them. In its devious cultural warfare the white world began Christianizing the Indian into oblivion, stereotyping him out of his identity, and finally co-opting his assimilated young people into its image of Indian leadership. This moral hypocrisy Deloria sees as traceable to our fundamental national premise: growth through military, economic and cultural conquest.

The sins documented by Deloria are not all distantly historical. The Eisenhower years were witness to some of the

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most ill-conceived measures to "solve" the Indian question. Under Indian Commissioner Glenn L. Emmons and through the two Indian subcommittees in Washington, a move to "terminate" Indian reservations was launched in 1953. The effect of this about-face in federal policy would have been to eliminate the trusteeship life line between tribes and government, the only way the Indian could get a start toward economic self-sufficiency. Inconsistency in the federal attitude toward the Indian has been, to say the least, a style of cultural condescension. To say the worst, which Deloria does, it has also been a camouflage for land grabs.

The vacillating operating philosophy of the Bureau of Indian Affairs has made Indian people as distrustful as the Vietnamese toward U.S. intentions. Indians have been given third-rate, half-deaf, back-door social planning. This is in part because they are our most silent minority. By tribal inclination they have tended to be patriotic and conservative. They do not set the torch to their own reservation. They'd be burning all they have and they know few would care. They sit tight instead of flaring up. Until now, that is. What blares out of Deloria's dissection of fumbling federal Indian policy is that, for all the top-level task forces which are hastily compiled to find out, once and for all, what these damn redskins really want, their voices have not been heard.

To be fair, this was unavoidable. Indians may be "transparent," as Deloria ironically asserts when mentioning the phenomenon of white experts always "knowing" the Indian. But at the same time they have been among the most effective preservers of minority life style in the country. For all the trappings one observes on the reservations—high school basketball sweaters, top forty radio stations, and flickering televisions in every shack—the cultural tenacity of the culturally besieged Indians is formidable. They have never been concerned with explaining themselves (that neurosis which seems endemic to Caucasians): they just are.

Deloria offers an unusually intimate look at that contemporary underground existence. He fascinatingly and too briefly sketches the Machiavellian world of tribal politics. The war party consensus pattern (leaders enjoying power only so long as they produce victories) is transposed into today's exhausting tribal leadership struggles. Political affairs among Indians are stylized high entertainment. Yet through the power shifts, tribal animosities, psychological warfare of infinite subtlety and a rhetoric American politics has all but lost, survives a democratic process far more "participatory" than any surrounding it.

One reason for the resurgence of interest in the American Indian is the hippie resurrection of the noble savage myth. Deloria discusses the love rock generation's communal inclinations with remarkable charity, considering that their "doing the Indian thing" could be dismissed as favorable stereotyping, a form of reverse racism. But he knows that the commune will have a difficult go at intentional tribalism. An anthropology cannot be designed overnight. And as things stand in this country, "the corporation," Deloria writes, "forms the closest attempt of the white man to socialize his individualism and become a tribal man."

Although Deloria usually turns his own anger into wit, he allows himself one all-out attack. The "anthros," whose own tribal rites include running helter-skelter over the reservations every summer, arouse his indignation. "Why should we continue to be private zoos for the anthropologists?" he cries. Already Deloria's tirade has drawn pious replies from defensive university departments. But he has made a profoundly just point. The shaky moral plane on which the social scientist always works has too frequently been ignored. Anthropologists have often acted as if nothing is sacrosanct in the face of professional curiosity. There is something inhuman and suspect in this license to cultural voyeurism. But Deloria, after his railing, offers a reasonable scheme whereby anthropologists would donate to the tribe under study an amount equal to their project's cost. "Anthropologists would thus become productive members of Indian society instead of ideological vultures."

The concept of reparations has been employed recently by black strategists against vulnerable white consciences, with psychological if not monetary impact. Deloria makes no such concocted assault and in a fine chapter discusses the dangers of equating black and Indian means and ends. "Never did the white man systematically exclude Indians from his schools and meeting places. Nor did the white man ever kidnap black children from their homes and take them off to a government boarding school to be educated as whites. The white man signed no treaties with the black. Nor did he pass any amendments to the Constitution to guarantee the treaties of the Indian."

Thus it is the attainment of cultural, social and economic mobility which remains the black struggle. While the Indian's problem "is and always has

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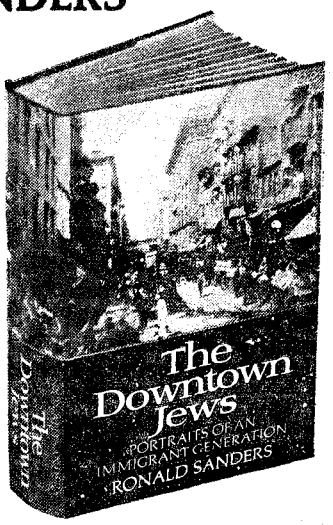

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been the adjusting of the legal relationship between the Indian tribes and the federal government, between the true owners of the land and the usurpers." Deloria's windup is uncomplicated. He wants treaties resurrected and fulfilled. He wants tribes to remain tribes, and to evolve as tribes. He sees this as entirely possible. The justice of the former, he insists, is manifest in the original contracts between the government and the Indian Nation. The promise of the latter was made in the 1930s with the Indian New Deal.

The end of the unholy marriage between white government and exploited tribe should be divorce with alimony and no visitation rights. Integration is a dead issue. In a decadent age, Deloria wants his people as uncontaminated as possible by the white world which has long evidenced its kind of "civilization." Where Gandhi said: "What I did was a very ordinary thing. I declared that the British could not order me around in my own country," Deloria would only substitute the United States. But he would ask U.S. technical assistance for Indian independence. After that, Deloria would like to see a "cultural leave-us-alone agreement."

"Indian people have the possibility of total withdrawal from American society because of their special legal status. They can, when necessary, return to a recognized homeland where time is static and the world becomes a psychic unity again." And maybe the white world will gain the patience to learn what has kept the Indian spiritually alive these many centuries, no matter how hard it has tried to wipe him out.

Our Brother's Keeper: The Indian in White America was compiled by the Citizen's Advocate Center under the editorship of Edgar S. Cahn whose documentary film, *Hunger U.S.A.*, was possibly the most effective piece of advocacy journalism since Michael Harrington's *Poverty in America*. If Cahn's crusaders don't pull off as harrowing a job with this handbook for white Americans, I would say it is because, in the process of merely explaining the institutional nightmare which keeps the Indian a "prisoner of war," their fact-filled report gets bogged down in the very mire it intelligently recognizes: "At first glance the Indian world seems impossibly complex," comments the introduction. "This complexity is no accident; it is an integral and essential part of a system that relies upon obscurity and intricacy to insulate itself from scrutiny and criticism."

Nonetheless the book is invaluable in its earnest attempt to dissect the mess of Indian affairs and to analyze the alienation which has become the Indian's birthright. As it is explored by the Cahn commission, the chronicle of the government's destructive relationship with its Indian citizens, through the Bureau of Indian Affairs, contains dynamics similar to our quagmire in Vietnam. Given a morally corrupt mandate to work from, the always anonymous officialdom has pieced and patched until it has created a self-perpetuating monster which victimizes the people it is supposed to be assisting.

Future assessments of Indian affairs will very likely see as pivotal the recent Indian invasion of Alcatraz. The Rock take-over, thanks to government indecision, has attained unexpected momentum and the promise of a serious bargaining position. Decision by council; multi-tribe participation, old and young together; the power of patience rather than ultimatum; dedication instead of rhetoric; a mature appraisal of what it will take to create what they envision—all these mark the maneuver as substantially more than the customary, symbolic, minority group sit-in.

These two books, Deloria's and Cahn's, help us understand the Indian past and such present signs of an emergent militancy in the quest for reparation. □

Symphoniste Fantastique

THE MEMOIRS OF HECTOR BERLIOZ: Including His Travels in Italy, Germany, Russia and England. *Translated and Edited by David Cairns. Alfred A. Knopf. 636 pp: $12.50.*

MINA CURTISS

Mrs. Curtiss is the author of Bizet and His World *(Knopf), and the translator of* Letters of Marcel Proust *(Vintage) and* My Friend Degas *by Daniel Halévy (Wesleyan).*

Berlioz, both as man and as artist, remains as controversial a figure today as in his lifetime. Music lovers no longer meet to discuss the position of Wagner or Brahms or Schumann. But only last autumn in London there was a symposium to discuss "The Actuality of Hector Berlioz," just as forty years ago a number of distinguished musicians met there to "state their views on and discuss" the master. His only great opera, *The Trojans*, still arouses as violent a reaction as when *The Trojans at Carthage*, the second part of the five-act work, was first performed on November 4, 1863: a cut and inadequate production given not at the Paris Opéra, which had rejected it, but at the almost bankrupt Théâtre Lyrique.

"The work still needed another three or four strenuous general rehearsals," the composer wrote in his *Memoirs*. "Nothing was running smoothly, least of all on the stage. . . . The staging was quite different from what I had specified. In some places it was irrelevant and in others positively ridiculous. . . . The scene-shifter nearly brought disaster on the whole work by his incompetence during the Hunt and Storm. . . . It made a wretched impression; and when it was over there had to be an interval of fifty-five minutes while the scenery was changed." During this interval the gallery expressed its impatience or disapproval of Berlioz's music by chanting the *Soldiers' Chorus* from Gounod's *Faust*.

This incident Berlioz either forgot or chose to omit from his *Memoirs*. "My friends and I expected a stormy evening and all sorts of hostile demonstrations, but there were none. . . . There was one solitary, rather subdued boo at the end, and that was all." If the boo was subdued at the première and at subsequent performances, it was perhaps because of the vociferous calls for the author on the opening night and the "bravos" at the succeeding performances. These admirers, largely young musicians and students, were led by the 25-year-old Georges Bizet, already considered as much a rebel by the Paris musical establishment as the 60-year-old master whose genius had been recognized in every country but his own.

On November 20, 1969, the Paris Opéra, which had denied Berlioz any performance in his lifetime, presented what purported to be a complete performance of *The Trojans*, including both *The Fall of Troy* and *The Trojans at Carthage*. The hostile demonstration which Berlioz had expected at the première broke out in full force 106 years later. But today "the boos, whistles, shouts and sarcastic remarks," which, according to *The New York Times*, "continued intermittently through the entire evening," were the expression neither of impatience at the length of the opera nor disapproval of Berlioz's music. Knowledgeable members of the audience were infuriated at the drastic cuts that had been made. They had, reasonably enough, expected, in the composer's native land, a production at least equal to the full performance given earlier in the autumn at Covent Garden to honor the 100th anniversary of Berlioz's death.

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Why the music of this genius, unquestionably one of the greatest French artists of the 19th century, should be as neglected in France today as it was in his lifetime is a question too difficult to answer here. At the official opening of the spectacular exhibition in honor of Berlioz at the Victoria and Albert Museum in London last October, the French Government was represented by Georges Auric, formerly a member of the *avant-garde* "six" composers, and more recently director of the Paris Opéra. In his address, M. Auric several times deplored the indifference of his countrymen to the music of Berlioz, while offering no explanation for this phenomenon. He merely graciously expressed his own and his government's gratitude for the splendid manifestations of British appreciation of the great composer's work.

Little disagreement exists, however, over the excellence of the writings of this great Romantic. The musical criticism by which for more than thirty years he was forced to support himself is as brilliant as George Bernard Shaw's. Even his comments on the trivial, long forgotten operas which he was forced to review, have a life of their own, a stimulus that only a great talent could distill from such poverty-stricken material. And his *Memoirs* are surely among the great pieces of autobiographical writing in any language.

The sweep of this massive work, in its form, its intensity and the range of its subject matter, naturally enough resembles the author's music. If in the five-hour performance of *The Trojans* there are *longueurs*, one nevertheless emerges from hearing that opera with a feeling perhaps best described by a word the Victorians used, "elevated." *The Memoirs* arouses a similar, though more easily analyzed reaction. For in them we are given one of the fullest accounts of the creative process ever formulated by a man of genius. The letters, journals and notebooks of many artists—Delacroix, Flaubert, Henry James—are equally enlightening on this subject, but they were not written for publication.

Besides the large portion of Berlioz's book devoted to music, there are descriptions of the dramatic incidents of his life, many of them recorded with a technique a novelist might envy. His account of the lifelong frustration he suffered at the hands of the old guard of the Conservatory, the Opéra and the government, gives one of the best histories of French musical life in the 19th century. The childhood scenes he evokes call to mind parts of Ruskin's *Praeterita*, as well as the tenderness of his own *Childhood of Christ*. But the point of view, if not bittersweet, is always tinged with irony.

MAY DAY

Finches flower on the lilac
noisily, the dogwood blossoms turn
in a night from a dull, muddy ivory
to white skin of the princess.
She must marry her father's friend,
the one with the hairy back.
In the streets: catarrh
of tanks or husbands,
force pridefully restrained.
And under the girl's thin dress
the vine of her body is growing on her.
They will live long together,
they will never marry.
The hair will fall from men like rust
and she and the sure body
will lie down together. Listen,
she is singing to it.

WILLIAM MATTHEWS

Most surprising in this intense, subjective man, who occasionally seems almost paranoiac in his outbursts of passion, is his basic sense of ironic humor. One laughs out loud at the conversations he records with his enemy Cherubini, the director of the Conservatory, whose Italian accent he mimics so well. His satisfaction at achieving in London, St. Petersburg, Moscow, Vienna, Prague and Berlin, the success denied him at home, reveals a justifiable pride. The relationship between musicians and their patrons, both at the small German courts and in the great capitals, is brought clearly to life.

Because this new version of *The Memoirs* is brilliantly translated and edited, it is far more satisfactory, even for readers fluent in French, than any available French edition. David Cairns has achieved the aim of every translator: the book reads as though Berlioz himself had written it in English. Only another translator can appreciate the labor involved in so splendid an achievement. And probably only another translator would notice the very rare appearance of modern colloquialisms such as "umpteenth time" for "*centième fois*" or "flop" for "*chute.*"

Mr. Cairns, in his notes and appendices, has answered every question a reader could ask. In footnotes he has given the date of every performance of Berlioz's music. In an appendix called "Errors, Disputed Points and other Matters," he has illuminated and explained the inaccuracies and mistakes which critics in the past have enjoyed finding in *The Memoirs*. There is also an appendix giving descriptions of Berlioz as he appeared to his contemporaries, as well as an exhaustive glossary identifying the many now forgotten persons mentioned in the text. This book, in short, is an example of perfection on every level. □

The Sick Man's Estate

THE EMERGENCE OF THE MIDDLE EAST, 1914-1924. *By Howard M. Sachar. Alfred A. Knopf. 576 pp. $12.50.*

PHEBE MARR
Miss Marr is a research fellow at Harvard's Center for Middle Eastern Studies. She was formerly chairman of the Near East program of the Department of State's Foreign Service Institute. Her book, Political Elites in Iraq, 1920-1958, *will be published by Harvard University Press.*

The Middle East, like the Balkans earlier, has assumed an international importance out of proportion to its diminishing strategic and even economic value. Day after day, the area thrusts itself into the headlines with a myriad of crises demanding consistently elusive solutions. This book, to a large extent, explains why. If the great powers are now forced to solve the insoluble, they have mainly themselves to thank. Rarely have statesmen had such an opportunity to deal constructively with an area as they did in the Middle East after World War I, and rarely have they made such a botch of the job.

The Middle East had the misfortune to "emerge" (actually it was more nearly created out of whole cloth) at the particular period of European imperialism frequently referred to as its apogee. The European powers, having exhausted their appetite for territorial aggrandizement on the African continent and further east, now turned to the Middle East and the opportunities offered by the impending collapse of the Ottoman Empire during World War I. But their imperialism had more appearance than substance. The war had taken its toll: the powers had neither the material resources to pour into empire nor, more important, the will and zest to assume its burdens and responsibilities. As a result, the Middle East received most of the drawbacks of imperialism and few of its benefits.

Not the least of these drawbacks were a hodgepodge of thoroughly unstable boundaries, reflecting not local political

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realities but the interests of the great powers; a legacy of mutual distrust and broken promises, and a frustrated nationalism which now gives rise to adolescent xenophobia and unfulfilled dreams of national unity. The only stable nation to "emerge" was Turkey, and it is no coincidence that it was the only nation where the great powers were forced to stand aside and let the local contestants—the Greeks and the Turks—fight it out for themselves. In the Arab countries, instability, chaos and tragedy—to which the local people have also generously contributed—are the legacy of the great-power involvement.

The collapse of the Ottoman Empire, the secret agreements of World War I and the emergence of the successor states have been dealt with exhaustively in a number of works, but Mr. Sachar has now given us, in one volume, the best and most comprehensive account thus far. It is also among the most balanced and by far the most fascinating. Taking as its starting point the outbreak of the war, and the fateful Ottoman decision to join the Central Powers, the book traces the campaigns from the Dardanelles to the Persian Gulf, details the motives, interests and intrigues of the great powers as they attempt to bury the "sick man" and divide up his estate, and sketches the development of conflicting nationalist movements up until 1924, when the political situation solidified with the establishment of modern Turkey and the fragmentation of the rest of the area into half a dozen contentious polities.

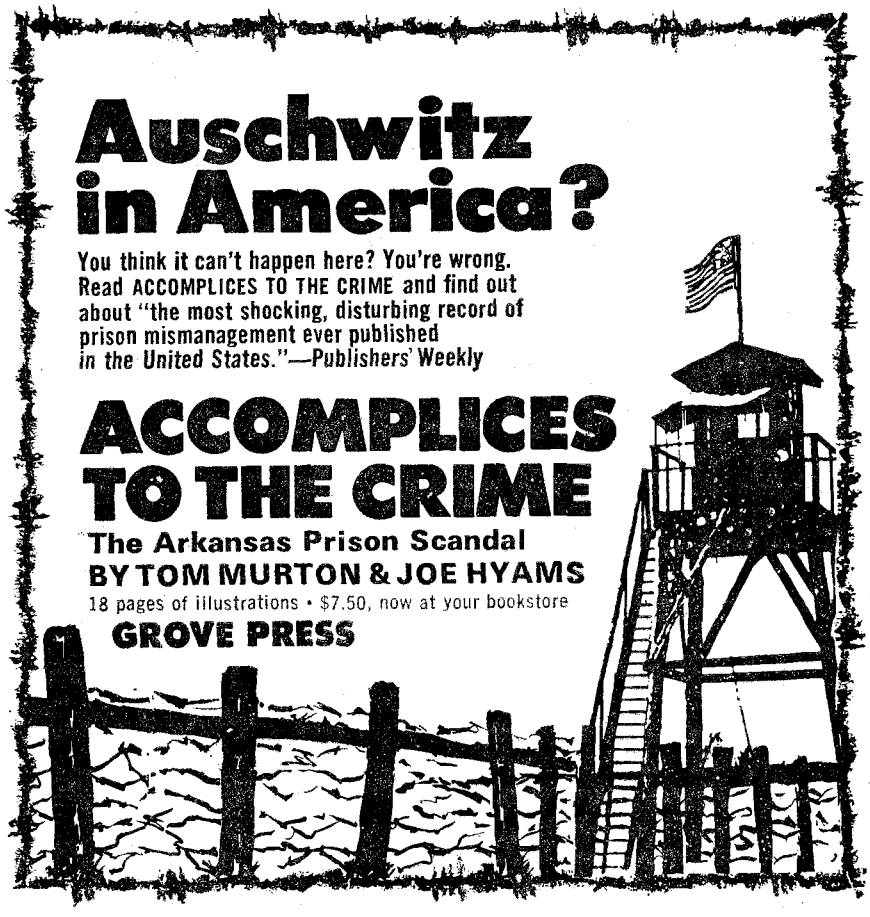
Sachar contends that the by now notorious secret agreements to divide up the area were arrived at largely as a result of the early military reversals of the Allies, both in Gallipoli and Mesopotamia where the sick man proved to have a good deal more life than expected. The British then made a reappraisal of their military position in the area, and decided to attempt a breakthrough on the diplomatic front by "inducements" to the local people as well as other allies. It was here, of course, that the trouble began, although the contradictions in the agreements are rightly shown to have been fewer than claimed by the main contestants. The book is particularly good in describing the ultimate resolution of the Turkish problem, which began with the ill-fated Greek landings in Smyrna, the drive by the Greeks to re-create their former empire, and the rise of the Turkish nationalist movement under Mustafa Kemal.

Among the most interesting vignettes Sachar has unearthed is the disclosure of a plot in the autumn of 1915 by Djamal Pasha, one of Turkey's governing triumvirate, to overthrow the Ottoman government and establish himself as Sultan with assistance from the Allies. Djamal was reconciled to the loss of Constantinople and the Straits, and asked only that the Allies establish autonomous states in Syria, Palestine, Mesopotamia, Arabia, Armenia, Cilicia and Kurdistan. The plot apparently had the support of a cabal of army officers and bureaucrats in the capital.

Although its chances of success are difficult to evaluate, it is the Allied reaction which is of interest. Certainly the solution of the Eastern Question which Djamal envisioned was at least as practical as that which ultimately evolved at the hands of the British and French; moreover, coming as it did so early in the war, it might have saved countless lives by freeing Allied forces for the battlefront in Europe and ending the war sooner. Though the proposition was evidently seriously considered by the Russians and the Italians, it was rejected out of hand by the British and the French who "had well-nourished and carefully formulated plans of their own for the Middle East." In fact, according to Sachar, the discovery of the plot and the receptivity of the Russians probably hastened the conclusion of the Sykes-Picot agreement between these two powers.

The main thrust of Sachar's book is the record of the great powers in their last flush of imperialism, and of the cynicism and singular lack of realism with which the European statesmen privately attempted to carve up Ottoman territories. One aspect of the situation, often overlooked, is the British obsession with Suez and the role it played in the promises to both Arabs and Jews, as well as the French. An ill-timed and unsuccessful assault by the Turks on the canal in the first months of the war "threw a fright into the English which distorted their Middle East strategy" and warped their diplomacy as well. It was Suez and protection of the imperial life line which influenced the odd-shaped zones (ultimately, with some modifications, to become countries) drawn on the map under the Sykes-Picot agreement.

In addition, the Suez obsession was responsible, at least in part, for the Balfour Declaration and British support for Zionist aims. The original Sykes-Picot agreement, concluded a year before the declaration, had made Jerusalem and its hinterland an international area and allowed the French certain privileges in the British zone of Palestine, including a prewar railroad concession. As the war went on, the British desire to revise this agreement in favor of unilateral British control in Palestine, the land route to the canal, became compelling. Zionist appeals, which now fell upon welcoming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ears in the Foreign Office, furnished a rationale for British control in the area, guaranteeing the presence of a friendly people in this critical zone.

If the Palestine arrangement exemplified imperialism on a grand scale, Mesopotamia (modern Iraq) illustrates the creeping variety more familiar to readers of the contemporary press. Here the major impetus came from local military men eager for an expanded theatre of operations. Anglo-Indian forces originally occupied Basra and the adjacent territory to protect the oil fields in southern Iran, threatened by the activities of Wassmus, the German Lawrence, who was stirring up tribes in the neighborhood. They should have stopped there, but the ambitions of the local general to "take Baghdad" resulted in an overextension of their supply lines and a disastrous defeat in Kut.

This loss of face had to be redeemed and early in 1917 Baghdad was finally captured. First under Sir Percy Cox and later under Col. A. T. Wilson, a Victorian empire builder of the first order, a burgeoning military and civil administration was built up, largely on the basis of Indian labor, which soon became the justification for continued British control. (At one point Wilson considered "colonizing" Iraq with Indians as a solution to its problem of "underpopulation.") The result, as in Palestine, was a local uprising in 1920, which tied up 30,000 British troops and an air squadron and cost hundreds of lives. By autumn of 1920 Englishmen "were beginning to wonder whether Iraq was worth the cost" and just what strategic and national interests were served by staying. The question sounds all too familiar.

Sachar obviously enjoys telling a good story—and what is more he knows how. Unlike a number of academicians, he has not lost the narrative art. On the contrary, he has a remarkable skill (shown already in his *Course of Modern Jewish History*, one of the best books of its kind) in evoking images and conveying a feeling for time, place and situation. His portrayal, for example, of Faisal, sitting on his luggage forlornly waiting at a train station in al-Qantara (Egypt) after his expulsion from Syria by the French is unforgettable.

Sachar covers a formidable amount of history in these pages. This is a book to be commended to the general reader who wants to understand the origins of the present Middle East morass. Even the specialist will find much to learn. □

15 VERBS FOR THE ASTRONAUTS

Philip
one of you may be named Philip
though perhaps you cannot bear to be called by that name
Philip
I am aware that when you begin to step down from your capsule
there is some danger of disorientation
and I beseech you to be careful
I also bid you to remember
that the clothes you are wearing and the house you inhabit
no matter how costly
were bid for by some contractor
and are the products of our society
which is not a consumer's society
but a producer's society
as you are bound to find out
though perhaps
only after you have felt its bite
Philip
take care not to bleed on the moon
or blow a fuse in your head
you will break the heart of the National Space Agency
and bring disgrace to our international efforts
we are building all the hopes of the free world on your success
which we all regard as our success
we are all bursting with pride in you Philip
and when you get back
we are all going to go out and buy you a beer

DAVID ANTIN

ART

LAWRENCE ALLOWAY

The gallery system is under pressure again, as it was ten years ago, from the activity of downtown cooperatives run by artists. Now the pressure is from two sources, young artists who detect commercialism everywhere and experimental artists who work in hard-to-exhibit forms. (Older artists as well as galleries may be the target of the former group; Dan Flavin is said to be under criticism for using the products of a war-contaminated company in his fluorescent light pieces.) Two artists whose work is hard to show, because of massive presence or remote location, are Richard Serra and Michael Heizer.

Serra fills the Castelli warehouse (103 W. 108 St.) with teetering planes of lead, too big, too heavy, too dirty for the gallery. (His big rambling floor-piece, in particular, is impressive.) Heizer works out in the landscape and has no objects to exhibit. At the Dwan Gallery he presents documentation of an earthwork in Nevada. The original looks marvelous, but the information in the exhibition could be put on a postcard. Blown-up photographs and captions do not an exhibition make. The problem of documentation is apparently on Heizer's mind; at the Whitney Annual there is a big transparency embedded in plastic of an absent work. His works exist convincingly (1) on site and (2) in documents, but his effort to move into a third domain of exhibitable objects has not worked yet.

The rhetoric of anti-commercialism has its moments of justification, of course. The extraordinary premises of the new Richard Feigen Gallery, with white marble floors, carpeted dens, chrome railings, and nowhere to hang paintings, has the brash uselessness of old-time conspicuous consumption. However, basically the gallery system is still working and no viable proposals have been made for another system half as effective. The galleries, viewed as a network, constitute a market, a very free one, which insures the public distribution of freely done art in a multiplicity of styles. Proposals that would reduce this diversity are fascistic and in opposition to the unpredictable course of abundant art.

The artist at present in the Feigen Gallery is Allen Jones, who emerges as a full-time erotic artist with an iconographical problem. His earlier paintings, later expansions of which are on view, are witty brews of elliptical signs: morsels of skin mixed with zips of nondescriptive color. Then his drawing and color coalesced in a glossy descriptive style that concentrated on stockings, garters and bras. By extension he moved to

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KINGFISHER

Old crazy shaman, priest
who shakes stones in his head
watches me from a snag.

All the little fish are his
for this half mile, salmon smolts
like coins or wampum going past.

Swearing, threats from trees
he gives me: thief, thief!
My hands cannot deceive him.

He wants the back of my head
but I am the guest of his father, the river;
whatever I take is my own.

When it is dark I will go home
and he will fly into his hole
to grunt and rattle, making a spell.

WILLIAM A. ROECKER

sculpture, with figures like store-window mannequins, and escalated stocking welts and suspenders into all-out bondage gear and freaky leather and latex suits. He is candid about his sources in an amusing picture book *Allen Jones Figures* (published by Galerie Mirko and Edizioni O) which reprints some of the erotic mass media opened up by Eduardo Paolozzi and Richard Hamilton in London in the fifties. Jones's later objects depict subjugated girls with slave functions (hat stand, chair, table), but there is an odd remoteness about the hectic iconography. There is a period feel to his sexual imagery; it is all about *early* underwear, *archaic* fetishes.

The term Abstract Expressionism includes artists who are not definitely expressionistic, though there are three who look like Expressionists inasmuch as their work is compatible with early German anxiety. Willem de Kooning, Franz Kline and Hans Hofmann are all gestural painters and their works are, among other things, readable as an improvisatory search. A selection of paintings from the Hofmann estate (André Emmerich) reveals again his luxurious color and springy geometry. There are a dozen handsome paintings from 1947 to 1965; and the links between early and late are suddenly very clear. The late works, with their solid rectangles of color set against free, cloudy paint passages, have been thought of as somehow different from the earlier work. In fact, the contrast between the geometry and the open, ragged color has its equivalent in all his work.

Hofmann always manipulated the paint for a maximum range of sensuous effects, opting for lavish internal contrast. Each painting is an inventory of hyperbolic lushness. (This was demonstrated in the magazine *Location* some years ago in which one painting of Hofmann's was photographed bit by bit to detail the changes from hard to soft, from abrupt to fading transitions.) The canvas is assumed to be a container in which the pressures of the brush in a restless hand reveal the tension of the creative act as glowing signs.

The antithesis of the idea of the canvas as a container can be seen in artists who developed after Abstract Expressionism. Take the case of Frank Stella, whose early impact was in part due to the completeness with which he solidified the plane of the canvas into a single uninflected object. Stella's early shaped canvases, notched at the corners or with a slot in the center, were monochrome (black or silver or copper) and slablike. Later, as the form of his paintings became asymmetrical he was overdependent on the shape of the canvas: the painted area was derived too obviously from the prime shape of the canvases. Thus a triangle might have two actual boundaries projecting into space and one painted boundary embedded within the painting. The shape of the canvas and the design within it were so tightly bound, with lines leading in from the edges to span the surface, that the picture resembled a diagram of foldable sculpture (like the printed cutouts on cereal packs or the exhibition announcements fashionable a few years ago).

The paintings therefore had the look of being collapsible into sculpture. However, in Stella's new work (Rubin), the best paintings are completely rectangular, which means that his color is freed from sculptural analogues. The Celtic configurations of interlocking bands that he now uses do not occupy the whole surface but sit within the canvas. He is, therefore, using a container form, not with Hofmann's reckless *élan* but in a way that allows the delicious, complex array of dayglo colors to flare in sweet masses in terms of straight painting.

Jasper Johns's drawings (Castelli) are mainly dated 1969, with a smattering of earlier pieces. The show is absorbing, not only because Johns is an able draftsman but because he thinks in terms of continual versions of pet themes in various media. The versions cluster around a set of simple images and complex ideas. Most of the drawings relate to paintings which they seem as likely to succeed as to precede. His celebrated "Target with Four Faces" (1955), for example, shows up in a new drawing, with the word *face* substituted for the original visual details. (One exception is "Study for Wall Piece" in the back gallery, which relates to an unfinished painting.)

The paintings that made Johns famous are all quite small; and it is a fact that large groups of his work seem rather frail (as in the Metropolitan Museum right now). Seen en masse the revisions take on an effect of adjustment and hesitation rather than of proliferating possibilities. I am sure that no one is more aware of this than Johns, and his large later paintings, a major extension of his ambitions, are undoubtedly as good as his best. During the sixties he had mastered a larger scale of work but without, as this show reveals, any blunting of his probing, allusive delicacy as a draftsman. □

THEATRE

HAROLD CLURMAN

Parents, it is said, are often fonder of their faltering child than of their steadier ones. Thus it may be with Tennessee Williams and his *Camino Real* which has twice before been produced in New York without success. But if the author's devotion to his weakling is understandable, it is sinful for a critic to encourage him in this indulgence.

In my review of the original (1953) production of *Camino Real*, directed by Elia Kazan, I was as cordial as I could possibly be because I admire Williams and was able to acknowledge the validity of certain of the play's psychological impulses. But I did not accept it. An un-

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known correspondent challenged me, if I were to remain at least an honest person, to see the play again for reconsideration.

With the production now at the Vivian Beaumont Theater of Lincoln Center I have seen *Camino Real* three times—once in London. Its faults have become more glaring for me with each view. This may be due in part to the fact that both the London production and the present one proved inferior to the first production about which I was somewhat severe.

Williams, like the Kilroy of *Camino Real*, is sincere. He wanted, he says, to offer us in free form his vision of the world. He has done so. That is the trouble. For in aiming directly at his statement (the play is not in the least obscure) he is like the artist who proposes to create Beauty head-on (Pascal has said that he who would behave like an angel behaves like a fool). The attempt in art always results in the amateurish or the juvenile.

Williams proposed, as he has said, to offer "nothing more nor less than my conception of the time and world I live in." It is a brutal world, a police state, where the hungry, the unfortunate, the derelicts and the dreamers—blameless, naive or unwittingly corrupt—are humiliated, mutilated, hounded to death and consigned to the garbage dumps. Yet it is only such folk, particularly the dreamers, poets and idealists—here represented by Don Quixote, Lord Byron, Dumas' Lady of the Camellias, Proust's Baron de Charlus, Casanova, the wee whore Esmeralda, and Kilroy, the typically ignorant American youth of kind though damaged heart—who, though they struggle vainly against the cold ferocity of the no-man's land they inhabit, may some day manage to break through the stony imprisonment surrounding them or find the route of deliverance precisely through their desire for forbearance, their dreams of freedom, their hope and belief in purity, loyalty and love.

The royal road has become harshly "real." This is romanticism (the hippies presumably espouse it), a perennial gush in humankind. I am altogether willing to flow in its stream for it is part of the body of reality. It has certainly inspired many beautiful works of art as it has been the wellspring of several of Williams' more rewarding plays. But the language of *Camino Real* exemplified in such a line as "We are all of us guinea pigs in the laboratory of God" is not romantic; it reeks of flat sentimentality.

Blanche in *A Streetcar Named Desire*, the unfrocked minister in *The Night of the Iguana*, the stranded actress of *The Gnädiges Fräulein* (a much underestimated play) in divers ways achieve poignant eloquence because they are depicted as people rather than as mere symbols. The allegoric figurines of *Camino Real* (especially Quixote, Camille, Byron) are sophomoric counterfeits.

There is a further aspect to the play's style. "I am trying to capture the really 'tough' America of the comic sheets," Williams explains, "all the rootless, unstable and highly splendid hope beneath the middle-class in America." When we compare this statement of plan to the actual texture of the play we note once again the slip between the cup and the lip, the aim and the target.

There are elements of the "comic sheets" in the play—the pimp mother, the gosling daughter, their accompanying shill and, to some extent, Kilroy himself. But the overall atmosphere of the play is one of drugged melancholia, a glamorized lower depths of colored lights associated with forbidden places, shadowy, spectral, dangerous and somehow, to Williams and to many of us, poisonously attractive. The comic sheet is raucous; the world of *Camino Real* is a pocket of hell full of the temptations which lure us to nether regions, and to certain entertainments in which we release our hankering for evil. There is a good deal of reverse puritanism in this.

We touch here on the problems involved in the mounting of the play. The Lincoln Center production under Milton Katselas is a bad one. It lacks sustained mood because it strives to embody some of the rowdy brashness implied in Williams' stated purpose without taking into account the sickly sweet air of corruption with which the play is infused. The dusky figure of death moans "*Muerta*" here as she did in *Streetcar*—but in the stylistic mishmash of this production she strikes one as an incongruity.

Peter Wexler's set, excellent simply as design, suggests the barrenness of the general environment, but it is essential to the play that its hard fundament be masked and saturated with an enticing gaudiness, the dizzying fumes of an artificial paradise, the very stuff which in certain Mediterranean towns and tropical resorts make cruelty and decay appear grimly alluring.

The performance throughout suffers from this lack of a central key so that the actors all seem to be fluttering or flailing about in a void in which one hears the banality of the play's text all too well. Al Pacino's Kilroy is a tough punk wholly without lyric quality, and hence unsympathetic. We cannot believe that he has a heart of gold "as big as a baby's head." Susan Tyrrell, who was warmly appealing in Gibson's *A Cry of Players*, is made wretchedly funny instead of wryly affecting in her confused yearning for the tenderness she senses in Kilroy. The passage in which Kilroy and the hapless girl try to make contact—the play's best scene—which should be rather more pathetic than comic, becomes sheer burlesque, unfeelingly tawdry.

Jessica Tandy makes a fine appearance but her shrill hysteria never convinces us that in addition to having a secret soul she was once the soiled vestal of many captivated lovers. Jean-Pierre Aumont as Casanova—but why go on? All these worthy actors are forced into strain and vociferation that empty the air—which should be quiet, sultry, rank with languorous debility—of everything but an unresonant emotionalism and the effort to be "sincere." □

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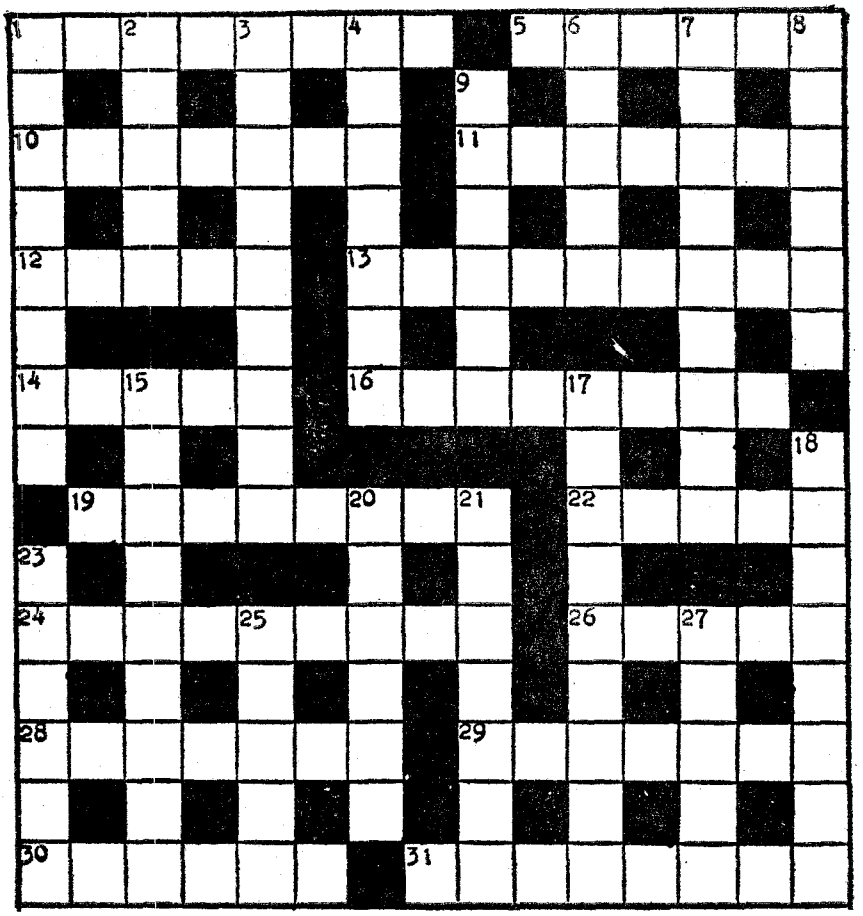

ACROSS

1 and 11 A melody sounding simple enough to carry a token of defiance might also carry the burden of flight. (8,7)
5 See 1 down
10 Might have a hook-up with the audio receiver. (7)
11 See 1 across
12 A self-created deceitful manner. (5)
13 See 6 down
14 Possibly a chain letter equivalent if in a hurry. (5)
16 Toss dirt around and the answer changes shape. (8)
19 Did better than anyone else what baseball players make to sharpen up. (8)
22 I told you so! It's not here! (5)
24 Expressing disapproval by establishing correctness once more? (9)
26 Ground for the 21 particularly. (5)
28 Possibly thicken some dishes prepared here? (7)
29 Neat, and for a purpose! (2,5)
30 Tended to sunder the result, possibly. (6)
31 The first part of 1 across, lamentably. (8)

DOWN

1 and 5 across Possibly a complete success at Halloween, though you would never think of looking this way! (1,7,6)
2 Such delivery is said to be free. (5)
3 Rest, or lie about? That's what they do!
4 Improperly grading such a person wouldn't be associated with generosity. 6 and 13 across Anything 17 is probably given by the military 29. (5,5,4)
7 You'll answer for anything wrong if you do, though perhaps uneager at the possibility. (9)
8 Advanced propositions. (6)
9 Stories of what a fighter does to an opponent sometimes? (6)
15 Standard that might be applied to an unhappy gourd lover? (4,5)
17 If things are, you won't miss the spectacles located there, perhaps. (2,3,4)
18 Not likely to be found in an active state.
20 In contact with just particles of what the knowing know? (6)
21 See 23 down
23 and 21 Both leg and shin might contribute to certain foreigners' means of communication. (6,7)
25 Not a particularly difficult chore, but somewhat earthy. (5)
27 A Dior creation, possibly purchased as a set. (5)

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ACROSS: 1 Under the table; 9 Sites; 10 Peregrine; 11 Dandies; 12 Pinnace; 13 Doing; 14 Toscanini; 16 Wine press; 18 Avert; 19 Croatia; 21 Scourer; 22 Kitchener; 23 Shako; 24 Congratulated. DOWN: 1 Upside-down cake; 2 Detention; 3 Rushing; 4 Hopis; 5 Turnposts; 6 Begonia; 7 Eliza; 8 Benedict Arnold; 14 Trepanner; 15 Inebriant; 17 Pitch in; 18 Arousal; 20 Optic; 21 Sprat.

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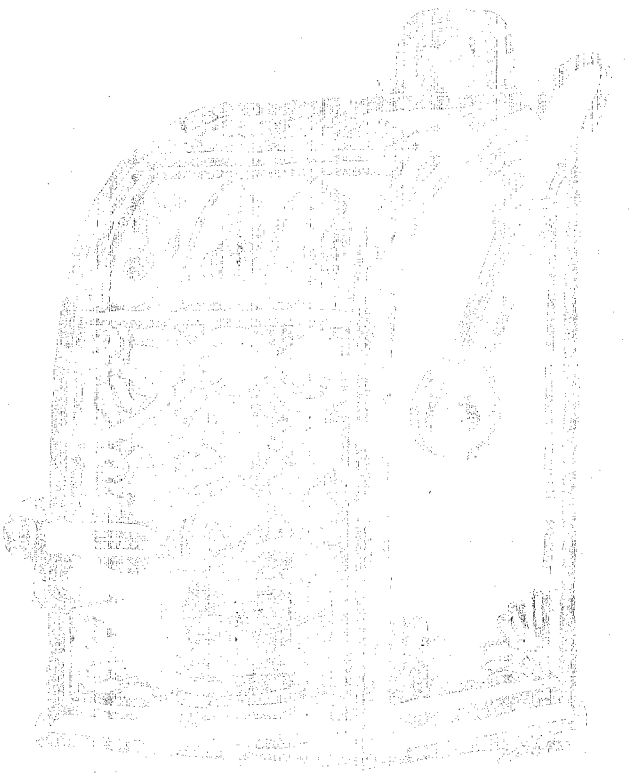
'HAND OVER THAT NATION'



Nothing seems impossible any more—the current investigation into organized crime in New Jersey has seen to that. In fact, it's hard to know which is more disturbing, the complicity of high police and government officials in the workings of the Mafia, or the amount of wire tapping done routinely by the F.B.I.

NATION readers aren't surprised on either count. One year ago in our January 27 issue, Fred Cook informed NATION readers of the shenanigans in "Nostra Jersey." And wire tapping and the encroachment on civil rights have been covered extensively in The NATION's pages, most recently in our December 8 issue.

The NATION keeps its readers informed of what's happening—and why. It can keep you informed too. So why not join us as a regular reader? If you use the coupon below to order a new one-year subscription, we'll add four bonus issues. Why delay? Order your subscription today.

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